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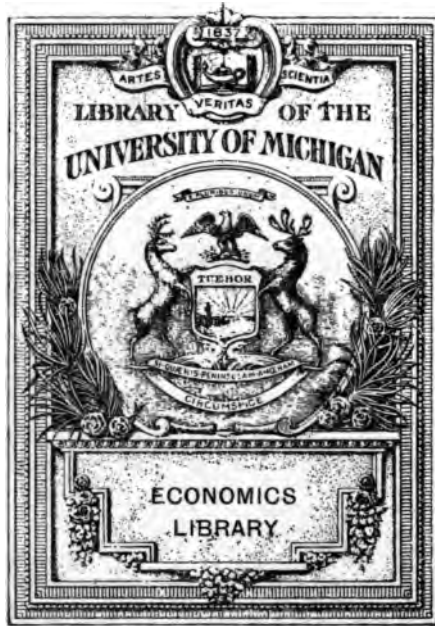
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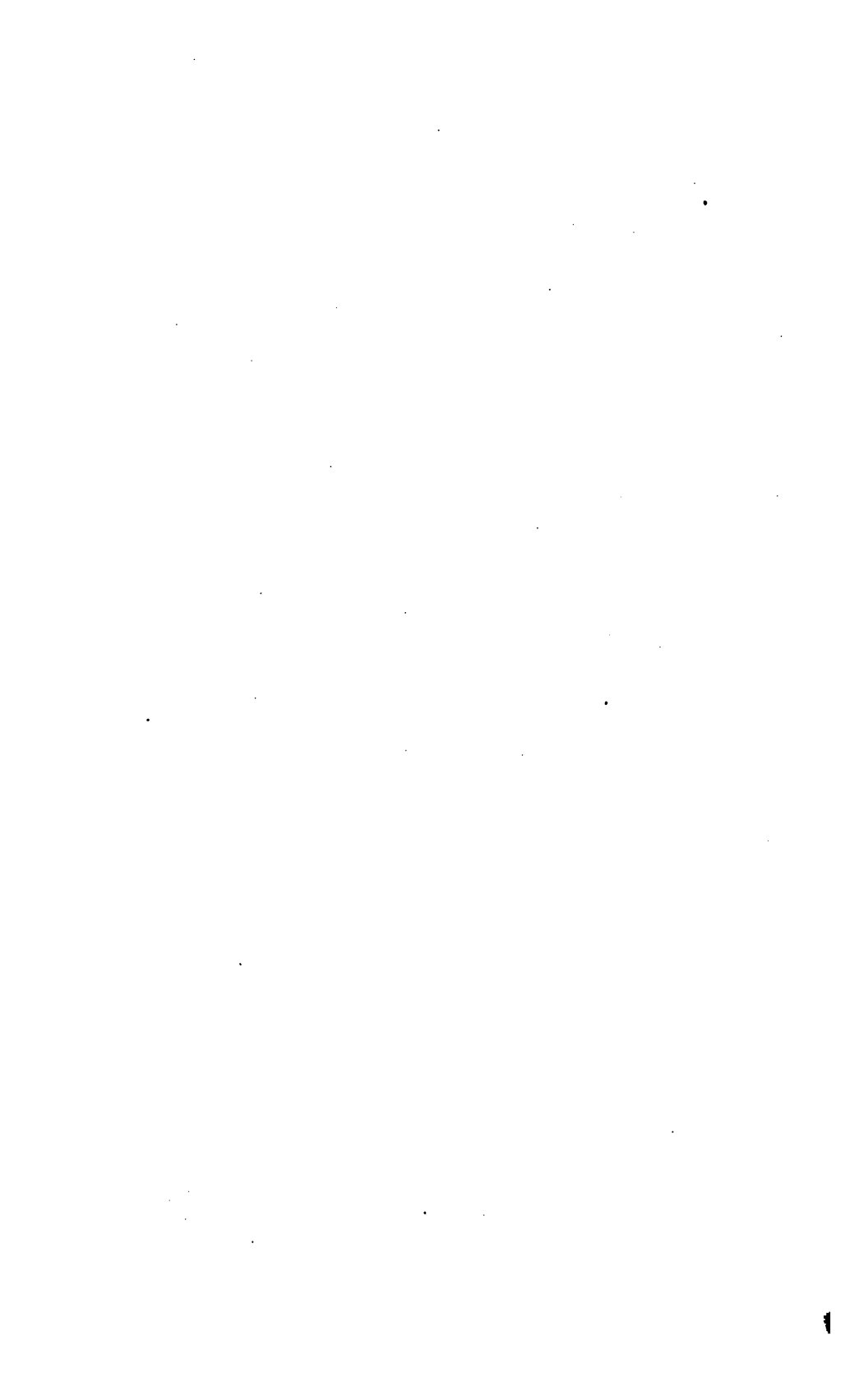
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INTERSTATE COMMERCE AND RAILWAY TRAFFIC COURSE

Prepared under Editorial Supervision of
Samuel MacClintock, Ph. D.

The subjects listed below constitute the basic material of a course in Interstate Commerce and Railway Traffic. This course is especially designed to meet the constantly growing demand for efficiently trained men in railroad and industrial traffic work; to assist students to pass the examinations for government service under the Interstate Commerce Commission; and to meet the demand for men competent to direct the work of commercial organizations and traffic bureaus. With the exception of the Atlas of Railway Traffic Maps, the subjects listed below are covered in an average of approximately 200 pages each.

Atlas of Railway Traffic Maps

Traffic Glossary

Freight Classification; Some Ways of Reducing Freight Charges

Freight Rates: Western Territory; Bases for Freight Charges

Freight Rates: Official Classification Territory and Eastern Canada; Industrial Traffic Department

Freight Rates: Southern Territory

Publication and Filing of Tariffs

Freight Claims; Investigation of Freight Claims;

Routing Freight Shipments; The Bill of Lading;

A Primary Lesson in Transit; Demurrage

Railway Organization; Statistics of Freight Traffic;

Railway Accounting

Express and Parcel Post

Ocean Traffic and Trade

Railway Regulation

The Act to Regulate Commerce and Supplemental Acts

Conference Rulings; Procedure Before the Interstate

Commerce Commission; Grounds of Proof in

Rate Cases

Application of Tariffs

The Law of Carriers of Goods

Practical Traffic Problems

LASALLE EXTENSION UNIVERSITY

PUBLICATION AND FILING OF TARIFFS

F. R. GARRISON

Chief Clerk
Central Freight Association

La Salle Extension University
- Chicago -

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PUBLICATION AND FILING OF TARIFFS

INTRODUCTION

DEVELOPMENT OF TARIFF REGULATION

It has long been the custom of the carriers to show their charges for transportation in issues which are designated as "tariffs," presumably from the fact that they are the tolls or tariffs of tolls for the transportation of persons or commodities. In these publications are set forth the fares for the transportation of passengers and the rates for the transportation of merchandise.

In common with other phases of transportation, the early development of tariffs and classifications was not along any fixed line or principle. Indeed, shortly prior to the passage of the Act to Regulate Commerce the situation was such that there were some one hundred and thirty odd classifications governing the movement of property in what is now known as "Official Classification Territory," these classifications governing hundreds and hundreds of rate tariffs. This condition made it well-nigh impossible for even the most intelligent shipper to determine in advance with any degree of accuracy what his rates would be or what rates were paid by his competitors.

This situation was still further complicated by the fact that all tariffs were not open to public inspection, and those which were could be changed without notice. Secret tariffs were issued naming preferential rates. Others

naming a very low rate for a brief period were issued, to "expire with shipment," thus enabling those who were advised with respect thereto, to assemble considerable quantities of freight and to move it at the opportune time.

On pages 3 and 4 are reproduced the title-page and a portion of the rate table contained in one of the early publications in effect prior to the passage of the Act. Note particularly the words "Subject to change without notice" appearing thereon. This indicates in a measure how difficult it was for the shipper to forecast the success of his operations, because knowledge as to the transportation costs was so uncertain.

In the issuance of these publications, no uniformity was followed as to size, arrangement, governing classification, or rules applicable in connection therewith. Tariffs varied from the size of this reproduction to placards large enough to be used for billboard display.

The corrective measures expressed in the Act to Regulate Commerce as originally passed were embodied in Section 6 thereof. Its salient features were as follows: (1) the printing and maintenance for public inspection of schedules showing the rates, fares, and charges for the transportation of passengers and property which any common carrier might establish and which were in force at the time of shipment; (2) the provisions to apply whether the movement be wholly within the United States or from or to adjacent foreign countries; (3) no advances in rates to be made except on ten days' notice to the public, although reductions might be made on three days' notice; (4) the non-exaction of a greater or less compensation than that provided in schedules; (5) the filing with the Commission of copies of all such schedules containing rates, fares, and charges, also copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of the Act; (6) the establishment of severe penalties

No. 1.

+ JOINT +

Freight Tariff

— OF THE —

COLUMBUS & CINCINNATI MIDLAND R. R.,

DAYTON & IRONTON R. R.,

OHIO SOUTHERN R. R.,

— AND —

PITTSBURGH, CINCINNATI & St. LOUIS RAILWAY

— FROM —

WASHINGTON C. H., OHIO.

Taking Effect March 1, 1885.

**Subject to change without notice. Governed by
Middle and Western States Classification.**

**As each of the roads named does not receive Freight for
all the points given, shippers must be careful to
deliver goods at the right Depot.**

**R. B. BAILLY, Div. Fr't Agent P. C. & St. L. R'y...ZANESVILLE, O.
D. H. ROCHS, Gen'l Fr't Agent O. S. R.R.....SPRINGFIELD, O.
W. B. WILLIAMS, Gen'l Fr't Agent D. & I. E. R.....DAYTON, O.
C. S. WIGHT, Gen'l Fr't Agent C. & C. M. R.R.....COLUMBUS, O.**

Subject to Change Without Notice.

RATES OF FREIGHT

— FROM —

WASHINGTON C. H., OHIO,

TO POINTS NAMED BELOW.

Taking Effect March 1st, 1885.

Governed by Middle and Western States Classification.

WASHINGTON C. H. TO	In Cents per Hundred Pounds.					
	1st Class	2d Class	3d Class	4th Class	5th Class	6th Class
Addison.....Ohio	41	31	21	15½	12½	10½
Adrian.....Mich	44	34	22	17	13½	11
Akron.....Ohio	41	31	21	15½	12½	10½
Albion.....Mich	45	35	22	17	14	11½
Alexandria.....Ind	35	27	21	14	11	9
Alida.....Ind	46	36	23	17	14½	11½
Allegan.....Mich	48	39	26	19	15½	12½
Alliance.....Ohio	44	34	22	17	13½	11
Alton.....Ill	50	40	30	20	15	13
Anderson.....Ind	35	27	21	14	11	9
Ann Arbor.....Mich	44	34	22	17	13½	11
Ansonia.....Ohio	30	22	17	12	10	8
Arcadia.....Ohio	36	27	20	13½	10½	9½
Arcanum.....Ohio	27	22	16	11	8	7
Argos.....Ind	46	36	23	17	14½	11½
Ashland.....Ky	38	29	22	15	12½	11½
Ashtabula.....Ohio	46	36	23	17	14½	11½
Athens.....Ohio	27	22	16	11	8	7
Attica.....Ind	44	34	22	17	13½	11
Auburn.....Ind	43	31	21	15½	13	10½
Auburn Junction.....Ind	39	29	21	14½	11½	10
Avilla.....Ind	42	31	21	15½	13	10½

for non-compliance by the carrier with any of the foregoing provisions.

These provisions, however, did not have the desired effect for the reason that tariffs were issued by all lines that desired even between the same points, in which they named such participating carriers as they wished, with the result that not infrequently there were a number of rates applicable upon the same commodity between the same points in connection with the same carriers.

Since these participating lines were added with or without their consent, as best suited the desire of the issuing carrier, it was possible for them, in the event of a question as to the application of a rate, to disclaim responsibility therefor.

It became apparent that more drastic regulations were necessary relative to the publication and application of the rates of the carriers. The three most important principles involved were: (1) the fixing of the responsibility for the rate established among the lines participating in the traffic; (2) the prohibition of changes in rates, rules, or regulations without giving adequate notice to the Commission and to the public; (3) the elimination of tariffs not filed with the Commission as factors to be employed in the movement of interstate commerce and the placing of all tariffs on file and open to the inspection of the public.

So, in common with other sections of the Act which had proved unsatisfactory or inadequate, Section 6 was revised to remedy the defects which had been disclosed in its application. Its provisions were extended (1) to cover carriers, whether by railroad, pipe line, or water; (2) to prohibit any changes in rates, either advances or reductions, without thirty days' notice to the public and to the Commission except under special dispensation of the Commission; (3) to require evidence of concurrence in published rates to be filed by participating carriers;

6. PUBLICATION AND FILING OF TARIFFS

and (4) to prohibit carriers from engaging in interstate commerce unless the requirements of this section of the Act are complied with. The substance of the original Act except as affected by the additional legislation remained the same.¹

GENERAL PROVISIONS OF THE ACT TO REGULATE COMMERCE AND STATE REGULATIONS AS TO PUBLICATION OF TARIFFS

Some of the essential provisions of the Act to Regulate Commerce and, to some extent, the provisions of the various states may be summarized as follows:

Section 6 of the Act to Regulate Commerce as amended provides that every common carrier shall file with the Interstate Commerce Commission and keep open to the inspection of the public, schedules (which will hereinafter be referred to as "tariffs") showing all its rates, fares, and charges for the transportation of interstate commerce between stations on its own line and from its own stations to those on the lines of other common carriers with which through joint routes and rates have been established. These same requirements were also a part of the original act, which was approved February 4, 1887, and took effect April 5, 1887.

Section 6 of the Federal Act also provides that where no through joint rates have been established over a through joint route, the several carriers in the joint route shall print, file, and keep open to public inspection all rates, fares, and charges applied to the through transportation of freight; therefore, even though there be no state regulations which require the publication of rates, fares, or charges, it is nevertheless evident that the state rates, fares, or charges must be printed in tariffs to cover the transportation of interstate commerce.

¹ See amended Section 6 in the treatise on the *Act to Regulate Commerce and Supplemental Acts*, which is a part of the course in Interstate Commerce and Railway Traffic.

The Federal Act² also provides that the tariffs of each common carrier shall contain the classification³ of freight in force and shall also state separately all terminal, storage, icing, and other special charges, and all privileges or facilities allowed or granted, and any rules or regulations which in any way increase or decrease the value of the transportation service rendered to the shipper or the consignee.

Regulations similar to the foregoing are prescribed in many states. These regulations require that all rates, fares, and charges available for the transportation of freight traffic between points in the state shall be published in tariffs, which must be filed with the state commissions and kept open to public inspection.

Section 6 of the Act also provides that tariffs which name rates from any point in the United States to another point in the United States and a portion of the movement is through a foreign country—*e. g.*, from Chicago, Ill., to New York City via Detroit, Mich., and Grand Trunk Railway through Canada to Buffalo, N. Y., thence to destination—shall be filed with the Commission and kept open to public inspection the same as a tariff covering a continuous movement in the United States. Failure to comply with this regulation is penalized by treating shipments, at point where they re-enter the United States, the same as if they were of foreign production and regular customs duties collected thereon. On the other hand, where this provision is complied with, no customs duties are imposed and the shipments are treated the same as if the entire movement were through the United States.

In defining the scope of the Act to Regulate Commerce, Section 1 thereof states that it applies to any common carrier or carriers engaged in the transportation of per-

² See Section 6 of the Act.

³ See the treatise on *Freight Classification*.

8 PUBLICATION AND FILING OF TARIFFS

sons or property from any point in the United States to an adjacent foreign country or from an adjacent foreign country to any point in the United States. For example, a railroad operating in Mexico, desiring to publish through rates to destinations in the United States, must prepare and arrange its tariffs in conformity with the regulations of the Interstate Commerce Commission and must file its tariffs with the Commission the same as a railroad operating wholly within the United States is obligated to do.

TARIFF CIRCULAR 18-A

The Interstate Commerce Commission then formulated the first comprehensive set of rules governing the compilation and filing of freight schedules, necessitating on the carrier's part the reissuance or supplementing of practically every tariff in effect at that time.

The first complete set of rules was published in Tariff Circular No. 14-A, but successive measures were found necessary and special circumstances encountered which necessitated the formulation of additional rules from time to time. This has resulted in the reissuance of this publication on several occasions, the current issue being Tariff Circular No. 18-A, which appears in the appendix of this work and to a discussion of which the succeeding chapters will be devoted.

It has been the aim of the author to make plain the intent of the various rules of Tariff Circular No. 18-A, both for the benefit of those who may be engaged in constructing tariffs and for those who use them.

CHAPTER I

CONSTRUCTION

PRINTING

Rule 1 provides that tariffs are to be printed on hard-calendered paper of good quality from type of size not less than six-point full face. Reproductions by hectograph and other indirect inking-processes are prohibited for the reason that the copies become illegible after a number have been made and such illegibility often leads to uncertainty as to their contents.

SIZE

Requirements are also embodied in this rule as to the size of the publication, which is to be eight inches wide by eleven inches long. The object of this provision is uniformity, enabling shippers and carriers to maintain neat and attractive files and to use standard devices in filing the publications in their respective places.

FORM¹

Tariffs may be arranged in sheet form (a single sheet printed on one or both sides), in pamphlet form (a number of sheets stitched together), or in book form (a number of sheets bound together in the conventional book order).

The loose-leaf form of tariffs hereinafter described is authorized in this rule.

¹ See Chapter VIII.

ARRANGEMENT ON TITLE-PAGE OF A TARIFF

The title-page of a tariff² gives one a general summary of the nature of the publication and enables one to determine date of issuance and effective date, from and to what points it applies, and upon what articles, etc. It will be found that there are quite a number of requirements called for in Rule 3 and in other parts of Tariff Circular 18-A pertinent to this feature, and to assist in following these rules, we have reproduced a specimen title-page.

Tariff Circular 18-A provides that the following information must be shown on the title-page of all tariffs in the order mentioned.

(a) I. C. C. Number

This number is to appear in bold type on the upper right-hand corner (Rule 3b).

Since its organization, the Interstate Commerce Commission has required that all tariffs subject to its jurisdiction must be filed with it. For a number of years prior to 1896, the tariffs were sent to the Interstate Commerce Commission without any designating mark or number to identify them and it was found to be a very intricate and laborious operation to file supplements with the tariffs they amended and to arrange the tariffs themselves in such a manner that they could be located when a demand was made for certain issues.

To overcome this difficulty, the Commission conceived the idea of having each carrier subject to its jurisdiction number its tariffs in arithmetical order. In January, 1896, the Commission issued an order requiring that all tariffs filed with it on and after the date of the order must bear I. C. C. numbers, each individual road's series com-

² See page 11.

Only three supplements to this tariff
will be in effect at any time.

I. C. C. No. 2713.
Superseding I. C. C. No. 2120

C. R. C. No. 143.
Superseding C. R. C. No. 993

I. R. C. No. 1287.
Superseding I. R. C. No. 98473

Ohio No. 1598.
Superseding R. C. O. No. 1280

FREIGHT TARIFF No. 421-D.
(Superseding Freight Tariff No. 421-B.)

LAKE ERIE & WESTERN RAILROAD CO.

FT. WAYNE, CINCINNATI & LOUISVILLE RAILROAD



NORTHERN OHIO RAILWAY



IN CONNECTION WITH CARRIERS NAMED ON PAGES 3, 4 AND 5.

NAMING

JOINT, LOCAL AND PROPORTIONAL RATES.

ON

BRICK, CARLOADS,

(And Articles Taking Same Rates as Specified on Page 6.)

FROM STATIONS ON THE

LAKE ERIE & WESTERN RAILROAD.

FT. WAYNE, CINCINNATI & LOUISVILLE R. R., AND NORTHERN OHIO RY.

TO POINTS IN

**ILLINOIS, INDIANA, IOWA, KENTUCKY, MICHIGAN, MISSOURI, NEW YORK,
OHIO, PENNSYLVANIA, WEST VIRGINIA, WISCONSIN AND CANADA.**

ALSO TO

PEORIA, BLOOMINGTON, CRANDALL, ILL., AND MISSISSIPPI RIVER CROSSINGS.

(When destined beyond.)

The rates named herein are subject to withdrawal or advance at any time on giving the notice required by law, and are to be used in connection with, and governed by, except as otherwise provided herein, Official Classification R. N. Collyer's Agency I. C. C.-O. C. No. 42, Ohio-O. C. No. 42, I. R. C.-O. C. No. 42, C. R. C.-O. C. No. 42, L. E. & W. R. R. F. T. No. 2101-J, supplements thereto and subsequent issues thereof, and Exceptions to said classification as shown in E. Morris' Agency I. C. C. No. 406, I. R. C. No. D-45, R. C. O. No. 348, C. R. C. No. 342, L. E. & W. R. R. F. T. No. 2151-E, supplements thereto and subsequent issues thereof.

§—Except that portion which is under suspension as per Sup. No. 19 to I. C. C. No. 2126, R. C. O. No. 1120, Supra. Nos. 20 to I. R. C. No. 847, issued in accordance with Interstate Commerce Commission I. & S. Docket No. 414 Special Permission No. 29 of the Public Utilities Commission of Ohio.

Issued January 2, 1915

Taking Effect

On Interstate Traffic, January 15, 1915
*On Canadian Traffic, February 8, 1915
On other Traffic, January 15, 1915

"Issued in compliance with Order of the Interstate Commerce Commission dated December 16, 1914, in THE FIVE PER CENT CASE No. 2800, I. & S. Docket No. 333, and supplemental order therein dated January 4, 1915."

*Applies on Traffic from points in the United States to points in Canada.

Issued by

L. E. OLIPHANT,
Chief of Tariff Bureau,
Indianapolis, Ind.
F. A. CURRY,
Div. Freight Agent,
Indianapolis, Ind.

M. R. MAXWELL,
Gen. Freight Agent,
Indianapolis, Ind.
L. L. FELLOWS,
Commercial Agent,
Indianapolis, Ind.

L. L. HYDE,
Asst. Gen. Freight Agent,
Peoria, Ill.
G. H. McHUGH,
Commercial Agent,
Peoria, Ill.

Authority No. 10868.
Dist. List No. 5853.

(1900.)

mencing with the number 1. In this way the tariffs of each individual road can be filed together in the Commission's files in numerical order.

This numbering arrangement has been found very satisfactory and as a result the I. C. C. number of a tariff is the designating reference used in all legal actions and in all correspondence with the Commission.

In cases where the title-page is provided with a marginal rule, the I. C. C. number may appear above or below the rule at the discretion of the compiler. In general, however, the arrangement is much more effective by having the number outside of the rule.

(b) Cancellation Reference

Immediately below the I. C. C. number and in smaller type must be shown the I. C. C. number or numbers of any tariff or tariffs which are canceled by the new tariff (Rule 3b). It may happen, however, that the number of tariffs canceled is so large that it is impracticable to show the information on the title-page, in which event it must be shown under a proper caption, reading, for instance, "Cancellations" or "Partial Cancellations," immediately following the table of contents. Specific reference to such list, however, must be entered on the title-page immediately under the I. C. C. number of the new tariff, employing such phraseology as "For cancellation, see page 2" or "Canceling issues enumerated on page 2."

(c) Notice as to Supplements and Reissues³

At the upper left-hand corner of each tariff must be placed one of the following statements according to the size or character of the tariff (Rule 3h):

³It is advisable to place these notices above the margin rule, when one is used, thus establishing a complete separation from the Canadian and various State Commission numbers.

1. On tariffs of less than 5 pages or on loose-leaf tariffs, "No supplement to this tariff will be issued except for the purpose of canceling the tariff."
2. On tariffs from 5 to 16 pages, inclusive, "Only one supplement to this tariff will be in effect at any time."
3. On tariffs of from 17 to 111 pages, inclusive, "Only two supplements to this tariff will be in effect at any time."
4. On tariffs of over 111 pages, "Only three supplements to this tariff will be in effect at any time."
5. On tariffs naming rates via rail-and-water or all-water routes when such routes are not open for transportation during the entire year and it is the desire to take advantage of the suspension and restoration rule (Rule 12), the foregoing notation should be qualified by the following additional words: "Except as provided for in Rule (or item), page, of this tariff."
6. On periodical tariffs, "This tariff will be reissued on or before, 19...."

(d) Canadian State Commission Numbers

The Canadian Railway Commission requires the use of consecutive numbers on tariffs applying on all traffic moving between points in the Dominion of Canada or from or to points in Canada destined to, or originating at, points in the United States. Such numbers must be prefixed with the initials "C. R. C." and placed at the upper left-hand corner under "Notice as to Supplements and Reissues" and just below the margin rule when one is used.

Many of the states require that tariffs naming rates on intrastate traffic must show on the title-page separate serial numbers for the use of the individual commissions, prefixed with such letters as they designate. The current Official Classification, for example, is filed with the fol-

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lowing commissions under the numbers and letter prefixes indicated:

Board of Railway Commissioners for Canada.....	C.R.C.	O.C. 42
Railroad Commission of Indiana.....	I.R.C.	O.C. 42
Michigan Railroad Commission.....	M.R.C.	O.C. 42
Public Service Commission of Maryland.....	P.S.C.Md.	O.C. 42
Public Service Commission of Massachusetts.....	M.P.S.C.	O.C. 42
Public Service Commission of New York (1st District)....	P.S.C.1 N.Y.	O.C. 42
Public Service Commission of New York (2nd District)....	P.S.C.2 N.Y.	O.C. 42
Public Utilities Commission of Ohio.....	Ohio	O.C. 42
Public Service Commission of Pennsylvania.....	P.S.C.Pa.	O.C. 42
Interstate Commerce Commission.....	I.C.C.	O.C. 42

These numbers are conveniently arranged at the top of the title-page in such a manner as not to disturb the location of the I. C. C. number which is to be shown in the upper right-hand corner or the Canadian Commission number appearing in the upper left-hand corner.

Immediately under the Canadian and each of the state commission numbers, there must be shown in smaller type the cancellation references in the same manner as that required by the Interstate Commerce Commission.

A complete list of the states which, at this writing, require their numbers shown on tariffs will be found in Chapter XI.

(e) Carriers' Numbers

Since the inauguration of the federal requirements relative to tariff construction, many carriers have adopted the I. C. C. numbers of the publications as their individual numbers.

A more effective plan, and one that is generally followed, is for the carrier to assign an individual number to each publication.

There are two systems of numbering in general use by the railroads:

(1) Consecutive numbers prefixed by the titles G. F. D. (standing for "General Freight Department") Tariff or

Freight Tariff, under which numbers are assigned in arithmetical order to the tariffs as issued from time to time.

(2) Serial numbers prefixed by the titles named above. Under this system of numbering, the first issue of all tariffs is assigned numbers in arithmetical order, but when any tariff is reissued, the same number is used and a letter suffix is added; for example, Tariff No. 1 when reissued becomes Tariff No. 1-A and the next reissue of the same tariff will be No. 1-B and so on until all the letters of the alphabet have been used. Then double-letter suffixes are used, and reissue of Tariff No. 1-Z would be No. 1-AA.

The latter system is by far the most modern and popular and is being adopted by the railroads quite generally because, almost without exception, tariffs are referred to by carriers' numbers *as between themselves and their employees*. As the number is always the same, only the suffix letter changing with reissues, it becomes firmly fixed in the minds of everyone using the tariffs.

(f) Name of Issuing Carrier, Carriers, or Agents

To assist in filing the issues and to provide a ready means of identification, it is required that the name of the issuing carrier or carriers or duly accredited agent, if there be one, be shown in prominent type (Rule 3a).

In some instances, for example, a large railroad may issue rates from points on a short connecting railroad in tariffs naming similar rates from its own stations. In such instances the name of the short railroad, or railroads, should be shown with reference to the authority (*i. e.*, Power of Attorney or Concurrence) under which the tariff is issued for them (Rule 4b).

In the case of tariffs issued by a duly appointed agent, the practice varies. In some cases the name of the publishing agent is inserted; in others the names of the car-

riers for which the tariff is issued by the agent are shown, provided such list does not exceed ten carriers; in still other cases neither the name of the agent nor the names of the carriers are shown.

(g) Participating Carriers

By this term is meant those carriers which participate in the traffic either as intermediate or delivering lines. They are distinguished from the issuing carriers in that they do not originate the traffic and the rates apply to or via points on their lines but not from points thereon.

In the event that the number of participating carriers does not exceed ten, they may be shown on the title-page, following the name of the issuing carrier or carriers, but the form and number of the power of attorney or concurrence under which each carrier is made party to the tariff must be shown immediately after the name of such carriers.

When, however, the list exceeds ten, they may not be shown on the title-page, but the title-page should bear the following statement on the line below the name of the issuing carrier, carriers, or agent: "In connection with participating carriers named on page" An example is shown below.

THE BALTIMORE & OHIO SOUTHWESTERN R. R. CO.

In Connection with Participating Carriers Named on Pages 3 and 4 of
Tariff.

(h) Character of Tariff

The next requirement is that the character or kind of tariff be indicated, that is, whether it is a local tariff (one naming rates from and to points on one line only), a joint tariff (one naming rates extending over two or more lines), or a proportional tariff (one naming rates to be used in conjunction with rates in other tariffs in determining through rates).

A further distinction must be made as to whether the rates apply on classified traffic (class rates), on articles or commodities specifically enumerated in the tariff (commodity rates), or a combination of both (class and commodity rates) (Rule 3c).

When a tariff covers a group of articles, it is customary to use a term clearly defining the group of articles, for example, livestock, grain and grain products, iron and steel articles, etc.; but articles in the group must be clearly defined and listed in the body of the tariff or reference must be made by I. C. C. number to the tariff in which description will be found.

In case a tariff contains rates on not more than ten commodities, the commodities may be named on the title-page and not repeated in the body of the tariff unless necessary in order to explain clearly the application of the rates.

It is customary, also, in connection with the issuance of tariff publications, for the carriers to indicate whether the tariff applies all rail or in conjunction with some line of boats operating on the Great Lakes (lake-and-rail tariffs) or on the ocean in connection with coastwise vessels (ocean-and-rail tariffs).

A tariff naming "import" or "export" rates should bear a statement to that effect on the title-page.

Very often in these days of large agency tariffs, it happens that a tariff may contain rates of all descriptions. One of the publications of the Trans-Continental Freight Bureau states on the title-page that it contains local, joint, export, and proportional class and commodity rates.

(i) Territorial Application

Following the description of the kind of rates, a brief statement must be given as to the territory from and to which the issue applies (Rule 3d). Many tariffs cover

such a large number of originating or destination points that it is impracticable to set forth this information with any degree of definiteness on the title-page. The specimen page³ indicates that the tariff applies from stations on the Lake Erie & Western Railroad, Ft. Wayne; Cincinnati & Louisville Railroad, and Northern Ohio Railway to points in several states which are enumerated, both the originating stations and destination stations being specifically enumerated in alphabetical order in the body of the tariff.

(j) Governing Classification and Exceptions to the Application of Rates

Immediately following the territorial application of the tariff, reference must be made to the governing classification and the exceptions to such classification by name and I. C. C. number in the case of interstate traffic and by state commission number in the case of intrastate traffic (Rule 3e).

In tariffs naming combination rates, reference to the classifications and exceptions governing the factors both to and from the junction points must be shown.⁴ Classifications or exceptions thereto may not be used in connection with any tariffs unless reference is made to such classifications or exceptions thereto in accordance with the provisions of this rule.

(k) Reference Notation

Classifications and exceptions to classifications, territorial directories, fast-freight-line billing instructions, and other descriptive issues which do not of themselves name rates but give information that is necessary in connection with tariffs which do name rates, should bear the

³ See page 11.

⁴ Combination rates are dealt with in Chapter VIII.

following notation: "This issue to be used only in connection with tariffs that specifically refer hereto." (This clause is not prescribed by I. C. C. rule but has been adopted by the carriers and their agents to complete the connection with the cross-reference required by paragraph 4 of Rule 4h.)

(l) Issuing and Effective Date

Of all the requirements with respect to the title-page, none is more rigidly enforced by the Commission than that dealing with this feature. It will be recalled that the amended Act provides that no tariff may be changed except upon statutory notice of thirty days, or, under special permission from the Commission, upon a shorter notice. Therefore, it is required in the Commission's rules that the date of issue and the date effective must be shown on each publication and, in the absence of any special permission from the Commission, the full statutory notice of thirty days must be given on all changes in rates, rules, or practices which in any way affect the charges (Rule 3f).

In addition to the required notice, the period of time elapsing between the two dates must be sufficient to allow, not only the required thirty days' notice, or notice required by order or special permission, to the Commission, but sufficient time to cover the transmission of the tariff from the issuing carrier's office to that of the Commission by United States mail.

This has entailed some hardships on carriers and on the public in cases where the issuing agencies are more distantly located from Washington. Regarding carriers in Alaska, the Commission has found it desirable to permit reductions in rates between points in Alaska upon ten days' notice to the Commission and to the public (Rule 78).

On every tariff that is issued on less than statutory notice under permission or order of the Commission, one

of the following notations must be inserted on the line below the effective date (Rule 3g):

1. "Issued under special permission or order (as the case may be) of the Interstate Commerce Commission, No. . . . , of (date)."

2. "Issued by authority of Rule 56, Tariff Circular No. 18-A."

In addition to the foregoing, in case the rate which is higher than the sum of the intermediate rates is strictly a class rate, the following statement must also appear on the title-page:

"The rate (or rates) hereby reduced appears in Tariff I. C. C. No. , item (or page) and the factors, from which the new rate herein shown as equaling the sums of the intermediate rates, are found in⁵ Tariff I. C. C. No. , item (or page) , and Tariff I. C. C. No. , item (or page)

3. "Issued by authority of decision of the Interstate Commerce Commission in case No."

4. Whenever a tariff or supplement to bring forward reductions in rates from tariffs or supplements which have been suspended in full by the Commission is issued on one day's notice to the Commission and the public, such tariff or supplement must bear the following clause:

"Issued by authority of Rule 9(*m*) of Interstate Commerce Commission Tariff Circular 18-A."

5. "Issued under authority of Rule 78, Interstate Commerce Commission Tariff Circular No. 18-A."

(m) Expiration Date

It may be provided that the tariff will cancel itself automatically, that is, by providing that it will expire on a certain date, at least thirty days subsequent to the effective date. When any carrier desires to give notice

⁵ Here insert name of agent or railroad by whom tariff is issued.

that a tariff will expire on a certain date, the following clause must be inserted on a line below the issuing and effective date (Rule 3f): "Expires (date) unless sooner canceled, changed, or extended."

(n) Suspension of Rail-and-Water or All-Water Rates

When tariffs containing rail-and-water rates or all-water rates applicable via routes over which it is necessary to close navigation during a portion of the year do not specifically state that they expire upon a certain date with the same season of navigation, the following clause should be inserted on the title-page: "The rates named herein for rail-and-water and all-water transportation are subject to suspension at close of navigation and restoration on the opening of navigation of (here insert the name of the water carrier or carriers specified in the tariff) on notice as provided on page . . . of this tariff" (Rule 12).

(o) Application of Rates from and to Intermediate Points

Frequently, production and consumption points are few, particularly in connection with specified commodities. In such cases the carriers publish rates which apply only from the points of production to the known points of consumption. Rates on pig iron, for example, are published from points at which are located blast furnaces to points where there are industries with facilities for using this commodity. It is unnecessary for a carrier to publish rates to points at which there are no facilities for using a certain commodity and to which there would never be a movement of the commodity.

It so happens, however, in the case of some commodities, such as salt, grain products, scrap iron, lumber, etc.,

that the points of consumption and originating points cannot be determined with any degree of certainty. Commodity rates, as a rule, usually apply on carload quantities. To many small villages and hamlets, the chances are against a movement of such quantities, traffic usually moving in less-than-carload lots. Consequently, the application of carload rates is confined to the larger places. However, the Interstate Commerce Commission has established a provision to take care of the possibility of carload movement to points to which rates are not published. This provision is as follows:

1. If a commodity tariff does not provide for rates from or to all intermediate points, either by naming specific rates or by the use of the long-and-short-haul clause, the title-page of such tariff must show that such rates are omitted by authority of Rule 77 of I. C. C. Tariff Circular No. 18-A and that the rates to or from any intermediate point, which will not exceed those to or from more distant points, will be established on one day's notice to the Commission and to the public. (See Rule 77a, third paragraph, for exact wording to be used.)

2. A tariff or supplement which contains rates published on one day's notice under authority of Rule 77 must bear on its title-page a notation to that effect and a statement as to where the rates which were reduced were published, by reference to the I. C. C. number and item or page number of the tariff in which the rates between more distant points were published. (See Rule 77a, fifth paragraph, for exact clause to be used.)

3. The Commission, under certain conditions, frequently grants authority to charge higher rates from or to intermediate points than apply from or to more distant points over the same line or route. Such authority in all instances is covered by formal order and reference to such order must be shown on the title-page of the tariff in the terms specified in Rule 77b.

4. If the Commission, by formal order, grants authority to the carrier to charge a higher through joint rate than the aggregate of intermediate rates (that is, higher than the sum of the intermediate rates or combination of the intermediate rates), reference to such order must be shown on the title-page in the terms set forth in Rule 77c.

(p) Name of Issuing Agent or Officer

The name of the person by whom the tariff is issued must appear upon the title-page of the publication (Rule 3i). The reason for this is obviously that communications with respect to tariffs may be addressed to the proper official.

This concludes the requirements of the Commission in so far as the title-page of a publication filed with it is concerned. In special instances other data may be included thereon, such as the names of the participating carriers and the commodities on which the rates named apply, but these features are generally incorporated in the body of the tariff, to which the following chapter will be devoted. Where exceptions are provided, mention will be made of them therein.

The title-page of any tariff which one expects to use may well be carefully studied for two reasons: (1) to ascertain that the requirements of the Interstate Commerce Commission have been complied with and (2) because such a careful study of the title-page will generally show whether the required information is to be found in the tariff.

CHAPTER II

CONSTRUCTION—Continued

BODY OF TARIFFS

Rule 4 of Tariff Circular No. 18-A sets forth the Commission's requirements with respect to the arrangement of the contents of tariffs published in book or pamphlet form. The arrangement, being quite a logical one, enables the users of publications readily to refer to the proper section thereof for the information they are seeking. In addition to the specific requirements of this rule, certain information provided for in Rule 3 may have to be shown in the body of the tariff and reference to these items is therefore made in this chapter.

TABLE OF CONTENTS

As tariff publications in some cases are quite voluminous, the first requirement for tariffs of considerable size is a full and complete statement, in alphabetical order, showing the exact location, by page or item number, where information under general headings which are mentioned will be found (Rule 4a). Where, however, the issue contains such a small volume of matter that the title-page or interior arrangement clearly discloses its contents, or in supplements of less than twenty-four pages which are arranged in the same manner as the issue of which they are a part, such table of contents may be omitted (Rule 9g).


NOTICE OF CANCELLATION

As provided in Rule 3b, previously discussed, when the number of issues canceled, in whole or in part, is so large as to render it impracticable to indicate them on the title-page, they may be shown on the succeeding pages immediately following the table of contents. A distinction must be made between issues canceled outright or wholly and those only partially canceled. Within recent years, owing to an effort on the part of the carriers to consolidate and condense their publications, it sometimes occurs that the rates in an existing schedule will be taken up by several other publications, each one canceling some part of the older tariff. Notation should therefore be made under the caption "Partial Cancellation" as to just what portion of the older tariff is canceled by the new publication.

The method of supplementing issues involved in partial cancellations is more fully dealt with under the chapter devoted to the preparation and issuance of supplements.

ISSUING AND PARTICIPATING CARRIERS

In the case of agency tariffs, the issuing carriers, under powers of attorney, and the participating carriers, under concurrence, must be shown in separate alphabetical lists with the captions "List of Issuing Carriers" and "List of Participating Carriers," respectively. In these lists, after each road must be shown the form and number of the power of attorney or the form and number of the concurrence under which such roads are included in the tariff. In some instances joint agency tariffs are issued by two or more agents and in such cases the power of attorney or concurrence running to or issued to each issuing agent must be separately shown (Rule 17c). In



both cases cited above, it is permissible to arrange all the roads in alphabetical order, separating the power of attorney and concurring roads by using the form shown on page 27.

By using this form, the issuing carriers are easily distinguished from the participating carriers because there are no concurrence numbers shown for roads which are covered by powers of attorney, and vice versa.

INDEX TO COMMODITIES

The requirement of Rule 4c is the incorporation, in book or pamphlet tariffs, of a complete index to the commodities upon which rates are applied. This comes as the next section of the tariff.

Great care is required in preparing the index of commodities for tariffs, because it has been held that a commodity or rate not properly indexed is not lawfully established and may not be used. When commodity rates are arranged alphabetically by commodities and reference is plainly made thereto in the table of contents, no specific index of commodities is required, except that in case rates on the same commodities are named in other tariffs, a notice must be inserted in that part of the tariff where the index of commodities is supposed to be shown, bearing the following caption: "List of commodities named herein on which rates are published in other tariffs." The list must be arranged alphabetically by commodities, showing the territory involved or the points of origin and destination, together with I. C. C. numbers of the tariffs in which such rates are published. Reference to this list must be made in the table of contents (Rule 4c).

The reproduction shown on page 28 is a typical illustration of an index to commodities.¹

¹ This reproduction was taken from Southwestern Lines' Tariff No. 15 Series.

PARTICIPATING CARRIERS.

NAMES OF CARRIERS.	Under Powers of Attorney to Eugene Morris, Agent.	Under Concurrence to Carriers for which Eugene Morris is Agent.		Under Power of Attorney W. H. Hoann Agent.
	FXI-No.	FX	No.	FXI-No.
Ahnapee & Western Ry		6	21	
③Akron, Canton & Youngstown Ry	3			
Ann Arbor R. R.	34			
Atchison, Topeka & Santa Fe Ry				39
Baltimore & Ohio R. R.	71			
Baltimore & Ohio Chicago Terminal R. R.		6	11	
Baltimore & Ohio Southwestern Ry	46			
Belt Ry of Chicago		6	18	
Bessemer & Lake Erie R. R.		6	81-A	
Buffalo & Susquehanna Ry. (H. I. Miller, Receiver)		6	A-14	
Central Indiana Ry	30			
Chesapeake & Ohio Ry	45			
Chesapeake & Ohio Ry. of Ind.	64			
Chicago & Alton R. R.				27

CARRIERS PARTICIPATING IN THIS TARIFF WITH ABBREVIATIONS USED IN THE TARIFF
INITIAL CARRIERS

Abbreviations	NAME OF CARRIERS	Concurrences Philadelphia & ing Railwa	
		FX	N
Ban. & A.	Bangor & Aroostook Railroad	2	A-

INTERMEDIATE AND TERMINAL CARRIERS

A. & V. R'y	Alabama & Vicksburg Railway	3	
A. G. S. R. R.	Alabama Great Southern Railroad	3	
A. & St. A. B. R'y	Atlanta & St. Andrews Bay Railway.	3	C-
A. & W. P. R. R.	Atlanta & West Point Railroad.	3	
A. B. & A. R. R.	Atlanta, Birmingham & Atlantic Railroad	3	
	(H. M. Atkinson and E. T. Lamb, Receivers)		
A. C. L. R. R.	Atlantic Coast Line Railroad	3	C-
A. S. R. R.	Augusta Southern Railroad	3	
B. & A. R. R.	Birmingham & Atlantic Railroad	3	1-
B. & M. R. R.	Boston & Maine Railroad	4	
C. & N. W. R'y	Carolina & Northwestern Railway	3	
C. C. & O. R'y	Carolina, Clinchfield & Ohio Railway	3	
C. C. & O. R'y of S. C.	Carolina, Clinchfield & Ohio Railway of South Carolina	3	
C. of Ga. R'y	Central of Georgia Railway	3	
C. N. E. R'y	Central New England Railway	4	
C. R. R. of N. J.	Central Railroad of New Jersey	4	
C. & W. C. R'y	Charleston & Western Carolina Railway	3	
C. V. R. R.	Chattahoochee Valley Railroad	3	1
C. N. & L. R. R.	Columbia, Newberry & Laurens Railroad	3	C-
D. & H. Co.	Delaware & Hudson Company	4	
F. O. & B. R. R.	Fitzgerald, Ocilla & Broxton Railroad	3	
	(H. M. Atkinson, Receiver)		
G. M. R'y	Gainesville, Midland Railway	3	1
Ga. R. R.	Georgia Railroad	3	7
G. & F. R'y	Georgia & Florida Railway	3	6
G. F. & A. R'y	Georgia, Florida & Alabama Railway	3	1
G. N. R'y Co.	Georgia Northern Railway Company	3	2

INDEX TO COMMODITIES.

Articles are specified in this Index under their "noun" denomination, and when "nouns" are not deemed sufficient distinctive, under their "adjective" also.

The following list enumerates only such articles as are given a specific rate. Articles not specified will take class rates.

COMMODITIES.	ITEM No. (Except as Noted)	COMMODITIES.	ITEM No. (Except as Noted)	COMMODITIES.	ITEM No. (Except as Noted)
Acid—		Babbitt Metal, Scrap...	3000, 3006, 4828	Baskets.....	4204, 5182
Nitric.....	1804, 1808	Backs, Chair, Wood....	1534	Coal.....	5110
Sulphuric.....	1454, 1804, 1808	Backs, Sink.....	5056	Market.....	4204, 5182
Adams Special.....	3048, 3054, 4864	Bagging.....	Page xxix	Splint.....	4204, 5182
Agricultural Implements	1820, 1826, 1832,	Burlap.....	4324	Stave.....	4204, 5182
	4288, 4294,	Brown Cotton.....	2384	Stove.....	5110
	4300, 4306,	Clayed Cotton.....	1898, 1934, 4824	Willow.....	4204, 5182
	Pages 111 to	Cotton.....	4324	Batting, Cotton.....	2384
	222, 311 to	For Baling Cotton.....	1904, 1910, 1913,	Beakers, Glass.....	2658
	389 and xxix		1916, 1922,	Beams—	
Agricultural Hand Im-			4318, Pages	Brake.....	5062
plements.....	1814, 4288		371 to 389	Iron.....	1552, 2910, 47
Alcohol.....	1638, 1640, 3078,	Gunny.....	4324	Scale.....	5068
	4838	Old.....	4324	Steel.....	1552, 2910, 47
Denatured.....	3078, 4858		2976, 3000, 3006,	Beans—	
Wood.....	3078, 4858		3012, 4828,	Dried.....	2540, 5140
All Hail.....	3048, 3054, 4864		4822, Pages 106,	Green.....	5146
Alum, Crude.....	4312, 4480		274 to 279	Bearings, Bolster.....	5062
Alumina, Sulphate of...	1838	Bags—		Beds—	
Ammonia, Anhydrous...	1844	Burlap.....	1934, 4324	Brass.....	4606, 4612
Ammunition, Metallic...	1850, 4546	Cement.....	1928	Iron.....	1528, 1534, 258
Auger Stems.....	3390, 3396	Cement Plaster.....	1928		4606, 4612,
Angles, Iron or Steel...	1552, 4780	Clayed Cotton.....	1898, 1934, 1940,		4618
Apples—			4324	Spring.....	1534, 4606, 46
Dried.....	2522, 2528, 2534,	Cotton.....	1934, 1946, 1952,	Steel.....	1528, 1534

The use of general or ambiguous terms is prohibited for the reason that such terms are susceptible to varying constructions and entail some doubt as to the articles or commodities they embrace. Consequently, the term "packing-house products" should not be employed unless it refers to, or shows in connection therewith, the list of all such articles as are embraced in that term. The same would hold good with respect to agricultural implements, petroleum products, naval stores, or any other collective term (Rule 6a).

INDEX OF STATIONS

The next requirement is an alphabetical index of the stations from and to which rates are named (Rule 4d). Some tariffs, on account of their character, do not require an index of stations. If a tariff names rates on one commodity or a number of commodities from a number of points which all take the same rate and if the destinations

themselves are arranged alphabetically or are shown alphabetically by states and the states arranged alphabetically, no index of points of origin or destination is required. In such instances the table of contents must contain specific reference to the pages on which the alphabetical arrangement of stations will be found, and if such stations are arranged by states, each state must be shown in the table of contents, together with the page or pages on which stations located therein appear (Rule 4d, third paragraph).


Other conditions are set forth by the Commission under which it is unnecessary to include an index of stations. Carriers have learned by experience, however, that the only tariffs without an index of stations which prove satisfactory to those using them are those in which the rates are named opposite an alphabetical arrangement of points of origin or destination.

Indexes of stations must be carefully prepared and exhaustively checked, because rates to stations omitted from such indexes are not legally established and may not be used.

In quite a number of instances, rate-making associations have prepared what are designated as "territorial directories." These directories take in various parts of the country and group the stations located therein into relative groups, the issue showing the group to which the point is assigned. It is possible, when such an issue is employed, to refer to it for an index of the stations from or to which the rates may be applied, as the case may be.

EXPLANATION OF REFERENCE MARKS AND ABBREVIATIONS

Many tariffs contain certain statements or modifying clauses which are used throughout the issue and, at the same time, are of such size that if reproduced in full each



time, the number of pages in the tariff would be unduly increased and perhaps the tariff itself would become more complicated. In such instances it is justifiable to employ the use of reference marks as permitted by the Commission's rule. A special provision relating to a single rate must, however, appear on the same page with such rate (Rule 4e).

All reference marks and technical abbreviations which are used in a tariff must be fully explained under the above caption. Typical examples are shown below.

EXPLANATION OF REFERENCE MARKS

- * No Agent. Freight must be prepaid.
- b Freight must be prepaid when via Seaboard Air Line Railway.
- † Freight must be prepaid, except on carload shipments in connection with Alabama Great Southern Railroad when consigned to Alabama Rolling Mill Company or Republic Iron and Steel Company.
- ‡ Freight must be prepaid when via Seaboard Air Line Railway, except shipments consigned to Pioneer Mining and Manufacturing Company or Republic Iron and Steel Company.
- § Not applicable via Southern Railway.
- ® Denotes reduction.

EXPLANATION OF TECHNICAL ABBREVIATIONS

- Co. In connection with Points—County.
- Co. In connection with Firms, Railroads or Railways—Company.
- No. Number.
- Mt. Mount.
- R. R. Railroad.
- Ry. Railway.
- St. Saint.

LIST OF EXCEPTIONS TO CLASSIFICATION

In almost all cases exceptions to the governing classification are published in one tariff and reference thereto is made on the title-page of the tariffs subject thereto (Rule 3e). There are certain tariffs, however, which are not made subject to the general exception sheet applicable in a given territory. At the same time, the issuing carrier or carriers, in the case of an agency tariff, may not wish to apply some classifica-

tion rule or specification or may wish to modify some rule by increasing or decreasing its scope. In such cases the exception must be clearly stated under the caption "List of Exceptions to Classification" (Rule 4f).


APPLICATION OF RATES

Under this caption must be given, in clear and concise language, such statements as are necessary to remove all doubt as to the application of the rates and rules contained in the tariff (Rule 4g). Under this heading it is customary to show, in tariffs naming rates to points east of the western termini of eastern trunk lines, a list of the billing instructions, the bases for rates, or the so-called "guide-books," of the various fast freight lines, in which are named the points which take the same rates as New York, Boston, and other eastern basing points. Exceptions to the application of rates or rules should likewise appear under the above caption. Here should also be shown any rules which may be necessary in order to comply with the long-and-short-haul provision of Section 4 of the Act, a discussion of which, from the point of view of the tariff compiler, is given in Chapter VII.

RULES AND REGULATIONS

Under this caption must be shown all rules, regulations, or conditions, other than those in the governing classification and exceptions thereto, which in any way affect the rates named in the tariffs by increasing or decreasing the value of the service rendered thereunder to the shipper or consignee. Each rule must appear under explanatory title, which title is to be shown in dark type.

The foregoing does not include rules and regulations dealing with special privileges or services or charges,



such as switching, icing, car service, storage, etc., which are published in special tariffs, but reference must be made to the tariffs containing such rules and regulations by I. C. C. number (Rule 4h, fourth paragraph) or by inserting the following general clause, which is understood to be satisfactory to the Commission although not actually provided for in Tariff Circular No. 18-A.

TERMINAL AND TRANSIT FACILITIES, CHARGES, AND PRIVILEGES²

The rates named herein apply from and to the tracks, stations, or other receiving and delivering points on this company's lines, or on the lines of other carriers parties to this tariff, or to or from sidings connected with lines parties to this tariff where the particular traffic is usually received or delivered, subject, however, to such regulations and charges, if any, for switching, terminal service, storage, elevation, refrigeration, car demurrage, track storage, drayage, diversion, reconsignment, holding in transit, and all other charges or regulations at points of origin, destination, or en route which may in any wise change, affect, or determine any part or the aggregate of such rates, as well as any privileges or facilities granted or allowed, as are, or shall be published in tariffs issued by this company or by any of the carriers parties to this tariff and filed with the Interstate Commerce Commission and Public Service Commission, Second District, State of New York, including car service charges applicable to the points in Canada, as shown in Canadian Car Service Rules, I. C. C. No. 2 (issued by J. E. Duval, Agent), and supplements thereto and reissues thereof.

The rates named herein will also apply from or to loading or delivering tracks and sidings, or other receiving and delivering points, on the lines of connecting carriers not parties to this tariff as published in tariffs issued by this company or by any of the carriers parties to this tariff and filed with the Interstate Commerce Commission and Public Service Commission, Second District, State of New York.

² Reproduced from I. C. C. N. Y. C. No. 47.

CONJUNCTIVE ISSUES

It is permissible for a carrier or its agent to incorporate in a separate publication the rules and regulations which are to govern its traffic in general and automatically to make these separate publications part of other publications in connection with which they are to be used, by stating that the issue "is governed by rules and regulations shown in I. C. C. No." This is in fact the procedure employed in so far as the various classifications are concerned. These classifications contain many rules governing the acceptance and delivery of freight traffic, together with various minimum-weight and excess-carload rules, rules as to the transportation of large bulky freight and freight requiring two or more cars for its transportation, etc. The reproduction of these rules in each publication would be required were it not for the fact that it is possible to make the classification a part of such tariffs as state that they are governed thereby (Rule 4h, fourth paragraph).

RATE TABLES

Next to be shown are the actual rates, which may be stated in dollars and cents per 100 pounds, per barrel or package, per ton, or per car (Rule 4i). However, the tendency of the times is to name rates subject to weight only, that is, per 100 pounds, per gross ton (2,240 pounds), or per net ton (2,000 pounds), as the case requires, for the reason that the transportation charge is primarily based on the cost of moving a certain amount of weight. By stating rates per car, etc., the charge is separated, to quite an extent, from the actual weight transported. Stating the proposition in another way, if rates are named per barrel, per package, or per car, the weight is oftentimes much greater than was taken into

consideration when the rate was being determined upon.

There are many forms in which the actual rates in the tariffs may be arranged and a discussion of the various forms will be found in Chapter VIII.

ROUTING INSTRUCTIONS

The last fixed subject to be covered in a tariff is the routes via which the rates named therein are to be applied (Rule 4j). The Commission has left it to the option of the carriers whether this information shall be included or not.

When routing instructions are shown, the rates may not be applied except in connection with the routes designated. It is usual in indicating this information to assign numbers to the various routes after deciding, by a careful analysis of the points of origin and destination involved as well as the rates themselves, what routes shall be used. It often happens that, even though a road may have arrangements for dividing through joint rates between certain points in connection with a given route, the earnings based on such divisional arrangement may be so low that the initial road may conclude not to permit the handling of traffic via such route. Again, in case a tariff applies on a commodity and only a few destinations are covered because there seems to be no possibility of movement to other destinations, it is sometimes advisable to omit circuitous routes. This prevents requests for the same rate to some more distant point on a circuitous route just because it is intermediate to some destination, when the new point properly belongs in a higher rate territory.

It will be found upon an inspection of the tariffs, however, that comparatively few of them attempt to restrict routing. In such cases, in the absence of specific routing, the Interstate Commerce Commission has ruled that the

rate must be applied by, and in connection with, any and all lines which are parties to the tariff. This, of course, leads to the unreasonable demand for the application of rates to intermediate points on circuitous routes, which was previously mentioned. Consequently, the practice of showing routing instructions is rapidly gaining favor and it seems probable that a large majority of tariffs will eventually contain this information because of the many controversies which have arisen between the carriers and shippers and consignees that might have been avoided had routing instructions been incorporated in the publications.

CHAPTER III

ISSUANCE OF SUPPLEMENTS

After the issuance of a tariff, it is frequently necessary to make some change in the rules or rates as incorporated therein. These changes are known as "amendments" and are published in "supplements" (Rule 9a).

TITLE-PAGE

The title-page of a supplement to a tariff must show the same information as the title-page of the tariff which it amends, except that the notation required at the upper left-hand corner of the title-page of tariffs with reference to the issuance or number of supplements is omitted.

ARRANGEMENT

The body of the supplement must conform to that of the tariff of which it is a part, setting forth in the following order such changes as it is desired to make under these headings:

1. Index. (Required only in supplements of five pages and less than twenty-four pages.)
2. Table of contents.
3. List of commodities upon which rates named apply.
4. Points of origin.
5. Points of destination.
6. Explanation of reference marks and abbreviations.
7. Exceptions to classification.
8. Application of rates.
9. Rules and regulations.

Supplement No. 8 contains all changes from the original tariff that are effective on the date hereof.

SUPPLEMENT No. 8 TO
P. & R. Ry. Order I. C. C.-G. No. 86
Cancels Supplement No. 7.

Philadelphia & Reading Railway Company

IN CONNECTION WITH
PARTICIPATING CARRIERS NAMED ON PAGE 2 OF TARIFF AS AMENDED

ALL RAIL

Joint Commodity Tariff

—ON—

POTATOES, Carloads

MINIMUM CARLOAD WEIGHTS

From May 16th to October 14th, inclusive, of each year, minimum carload weight on all cars will be 30,000 pounds.

From October 15th of one year to May 15th, inclusive, of next year, minimum carload weight will be 36,000 pounds, except that when loaded in Eastman Heater Cars No. 50,000 to 50,499, inclusive, the minimum carload weight will be 30,000 pounds.

—FROM POINTS ON—

Bangor & Aroostook Railroad

(See List on page 3 herein.)

—TO—

SOUTHERN POINTS

As shown on pages 4 and 6 of tariff as amended

—VIA—

SOUTHERN STATES DESPATCH

(Via Hagerstown Junction, Md.)

(See Item No. 1-A, page 3.)

This Supplement contains rates that are higher for shorter distances than for longer distances over the same route; and departure from the terms of the amended Fourth Section of the Act to Regulate Commerce is permitted by authority of Interstate Commerce Commission Fourth Section Orders as indicated in individual items herein.

Except as otherwise provided herein, rates are governed by the ratings, rules and regulations of the Southern Classification No. 40, I. C. C. No. 19, W. R. Powe, Agent, supplements thereto and reissues thereof.

ISSUED FEBRUARY 20, 1915

BENJ. R. BOGGS,
Assistant General Freight Agent
Philadelphia, Pa.

(P. & R. Ry. Compartment Box D.)

EFFECTIVE APRIL 1, 1915

(Except as noted in individual items)

Issued by
R. L. RUSSELL,
General Freight Agent,
Philadelphia, Pa.

(1300)

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10. Rates.

11. Routing.

However, in supplements of less than twenty-four pages the table of contents may be omitted if the volume of supplemental matter is so small that the arrangement of the supplement clearly indicates its contents (Rule 9g).

NUMBERING SUPPLEMENTS

Supplements must be numbered in arithmetical progression, commencing with No. 1, and must not be given new I. C. C. numbers (Rule 9c). For example, if a tariff is numbered I. C. C. 1960, the first supplement would be designated as "Supplement No. 1 to I. C. C. 1960." The next supplement would be No. 2 and so on, observing, of course, the number of effective supplements that the tariff is permitted to have.

CANCELLATION REFERENCE

Immediately below the supplement number must be shown the number or numbers of supplements which are superseded or canceled by the new supplement, if any (Rule 9c). For example, it will be recalled that a tariff of from five to sixteen pages may have one effective supplement. Consequently, if the first supplement is issued and it becomes necessary to make some further change in the issue, the information embodied in Supplement No. 1 must be carried forward or picked up in Supplement No. 2 and Supplement No. 2 must state that it cancels Supplement No. 1 to the same issue. In this way there will be but one effective supplement to the publication at all times.

EFFECTIVE SUPPLEMENTS

Immediately below the notice of supplement cancellation, a statement must be made as to what supplements contain all changes from the original tariff, expressed in

the following form (Rule 9c): "Supplements Nos. and contain all changes from the original tariff that are effective on the date hereof." Taking a tariff which is authorized to have two effective supplements, it might so happen that the fifth supplement, supposing the other ones to be picked up in each instance, would assume such proportions that it would be advisable, in further supplementing the tariff, to let Supplement No. 5 stand for some time. Supplement No. 6 would then be issued and should have a statement under the supplement number to the effect that Supplements Nos. 5 and 6 include all changes from the original tariff that are effective on the date of that supplement.

The requirements set forth in the three preceding paragraphs must be met in connection with Canadian and state commission numbers and carriers' numbers. In the case of intrastate traffic not subject to governmental control, the carriers sometimes employ the use of half numbers or letters in issuing supplements which are not filed with any commission and which do not appear as effective in connection with other state and commission numbers, although they do in connection with the carrier's number.

NUMBER OF SUPPLEMENTS IN EFFECT

Except as indicated herein, a tariff of 5 pages and not exceeding 16 may have but one supplement in effect at any time; a tariff containing 17 pages and not more than 111 pages may have but two supplements in effect at any time; and a tariff containing more than 111 pages may not have more than three supplements in effect at any time and such third supplement may be issued only when the smaller of the two effective supplements to the tariff contains not less than 10 per cent of the number of pages in the tariff (Rule 9e, first paragraph).

It cannot be stated as an absolute rule, however, that a tariff may have only a certain number of effective supplements, since the Interstate Commerce Commission has granted relief to the carriers from the provisions of Rule 9e when supplements contain rates which are attacked as unreasonable or which are under suspension or for other causes set forth as follows:

1. When a tariff is canceled with the purpose of applying in lieu thereof the rates named in some other tariff or when, through error or omission, a later issue failed to cancel the previous issue and such previous tariff is canceled for the purpose of perfecting the records, the cancellation notice must be issued as a supplement to the tariff which it cancels, even though it be a tariff of four pages or less or even though the tariff may at the time have the full number of supplements permitted (Rule 8d).

2. In case of change of ownership or control, the carrier whose line is absorbed, taken over, or purchased by another carrier shall unite with that other carrier in common supplements to the tariffs on file with the Commission, on the one hand withdrawing and on the other hand accepting and establishing such tariffs and all effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and the new carriers and shall be numbered consecutively as supplements to the tariffs (even when of less than five pages) to which they are directed (Rule 9j, Supplement No. 3).

3. When the Commission, under authority of Section 15 of the Act to Regulate Commerce as amended, suspends the operation and defers the use of a tariff or classification rate, charge, regulation, or practice, the issuing carrier or agent shall immediately file with the Commission a supplement stating that such schedule or portion of schedule is under suspension and may not be

used until further and proper notice or until such specified date as the suspension order of the Commission may name, and that rates theretofore in effect and which were to be changed by the suspended publication will remain in effect (Rule 9k). (See also Chapter IV.)

4. When the Commission vacates an order of suspension made by it under authority of Section 15 of the Act as amended, the carrier or agent who published and filed such suspended tariff or supplement shall immediately file with the Commission a supplement stating the date upon which, under the terms of the vacating order, the rate, classification, charge, regulation, or practice becomes effective. Every suspension or vacating supplement issued under authority of this rule should bear on the title-page the following notation: "Issued under authority of Rule 9 (k) Tariff Circular 18-A and in compliance with Investigation and Suspension Order No. . . . of the Interstate Commerce Commission, of (date) 19. . . ." Such supplements, either of suspension or vacation, are not to be counted against the number of supplements permitted to such tariff under Rule 9e (Rule 9k). (See also Chapter IV.)

5. A tariff remaining in effect as the result of a suspension may be further amended without regard to the Commission's rule as to the volume of supplemental matter which the effective supplement or supplements, as the case may be, based on the size of the tariff, in the aggregate may obtain. The Commission's rule prohibiting the supplementing of tariffs of less than five pages must, however, be observed. Desired changes in tariffs of less than five pages must be made by reissue.

6. Tariff indexes, hereinafter described, need not conform to the rule as to the number of effective supplements (Rule 11).

7. Supplements issued under Rule 12d, announcing the suspension and restoration of rail-and-water rates

in tariffs, will not be counted against the number of supplements permitted to such tariffs under Rule 9e.

PARTICIPATING CARRIERS

It is unnecessary to reproduce in a supplement the participating carriers indicated in the original issue unless they have *reissued, withdrawn, or amended* a concurrence or power of attorney, in which event the supplement may read, for example, "Philadelphia & Reading Railway Company in connection with participating carriers named in tariff, except change Alabama & Vicksburg Railway, FX3-177 to read FX3-977." Eliminations from the participating carriers should be in the same form, substituting for the word "change" the word "eliminate"; likewise, additions are taken care of by the substitution of the word "add" (Rule 9b).

It happens occasionally that it is necessary for a carrier to reissue one or more or all of its concurrences. Particularly is this true when roads go into the hands of receivers, as then all existing concurrences and powers of attorney must be reissued and executed by the receiver. (Rule 9i, Supplement No. 3).

Or perhaps a carrier which is party to a tariff in the first instance finds that the traffic is unremunerative in so far as it is concerned and instructs the issuing agent or road to eliminate its representation from that particular issue. Or in another instance a carrier might decline at first to become a party to a tariff and subsequently make some arrangement whereby it could profitably engage therein and then request that it be added to the publication as a participating carrier.

For these and similar reasons it is frequently necessary to show in the supplement changes of this character or such other changes as have been made.

When such eliminations, additions, and changes are made they must be definitely indicated on the title-page of

the supplement, and to accomplish this the following form is employed: "In connection with participating carriers named on page of tariff except (here show alphabetically all additions to, eliminations from, and changes in the original list which are made by that supplement or previous supplements to the same tariff which are to be superseded by the new supplement)."

LIST OF PARTICIPATING CARRIERS

Correct: Bloomsburg & Sullivan R. R., FX3, No. 51.
 Correct: Bush Terminal R. R., FX3, No. 423.
 Correct: Cincinnati, New Orleans & Texas Pacific Ry. Co., FX3, No. 38.
 Add: Duluth, South Shore & Atlantic Ry. Co., FX4, No. 108.
 Add: The Essex Terminal Ry. Co., FX3, No. 45.
 Eliminate: Georges Valley R. R., FX3, No. 10.
 Add: Lake Erie & Western R. R. Co., FX3, No. 17.
 Correct: Louisville & Nashville R. R. Co., FX3, No. 958.
 Add: New England Steamship Co., FX3, No. 65.
 Eliminate: New England Navigation Co., FX3, No. 75.
 Correct: Southern Ry., FX3, No. 817.
 Add: Temiskaming & Northern Ontario Ry., FX3, No. 87.
 Add: Toledo, St. Louis & Western R. R. Co., FX3, No. 39.
 Correct: Virginian Railway, FX5, No. 690.
 Eliminate: West Side Belt R. R., FX3, No. 40.

In case the number of changes is too great to make it practicable to show this information on the title-page of the tariff, it may be shown in the body of the publication, indicating the fact on the title-page of the supplement by the use of some such clause as "In connection with participating carriers named on pages and of tariff as amended hereby."

When no changes of any kind in the list of participating carriers are required, the fact may be indicated in the supplement by the following statement on the title-page of the issue: "In connection with participating carriers shown on pages and of tariff."

Again it so happens occasionally that the number of changes is so large that it is advisable to reissue the entire list. In this event the title-page of the supplement should read that the rates apply "In connection with participating carriers named herein (or in this supplement)."

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INDEX TO SUPPLEMENTS

A supplement of five or more pages must have an index and a supplement of more than twenty-three pages must also contain a table of contents (Rule 9g).

STATUTORY NOTICE

The provisions previously set forth in connection with tariffs relative to the giving of statutory notice in issues effecting changes in rates, hold good with reference to supplements. Likewise, the Commission, at its discretion for cause, may authorize the carriers to make the effective date on less than the required thirty days' notice.

REFERENCE BY ITEM NUMBER OR PAGE NUMBER TO PORTIONS OF ORIGINAL TARIFF AMENDED

In every case where a tariff or a previous supplement is amended by a new supplement, reference in such new supplement must be made to the particular item which is to be amended, in case item numbers are used in the issue, or to the page in the original tariff or supplement which is to be amended, in case item numbers are not used (Rule 9a). (See following examples.)

SIZE OF SUPPLEMENTS

Tariffs containing 5 pages and not more than 16 pages, including title-pages and indexes, may have supplements which contain not more than 4 pages. Tariffs of 17 pages and not more than 32 pages may have supplements not exceeding 6 pages. Tariffs of 33 pages or more may have supplements aggregating 25 per cent of the number of pages in the tariff.

page 3 of tariff and substitute the following:

POINTS FROM WHICH RATES APPLY AND RATE BASES APPLICABLE

For application of Rate Bases, see below

STATIONS	Rate Basis No.	STATIONS	Rate Basis No.	STATIONS	Rate Basis No.	STATIONS	Rate Basis No.
Village.....Me.	7	Glenburn.....Me.	5	Mayville.....Me.	10	St. Luc.....Me.	12
.....Me.	3	Goodrich.....Me.	10	McNally.....Me.	11	Sandy Point.....Me.	3
.....Me.	1	Good Isle.....Me.	12	Medford.....Me.	5	Saugerville.....Me.	5
d.....Me.	10	Greenville.....Me.	5	Millinocket.....Me.	6	Schoodic.....Me.	6
.....Me.	11	Grimes Mill.....Me.	10	Milo.....Me.	5	Stearport.....Me.	3
ard.....Me.	3	Grindstone.....Me.	6	Monson Junction.....Me.	5	Sherridan.....Me.	11
Lake.....Me.	3	Griswold.....Me.	10	Monticello.....Me.	9	Sherman.....Me.	7
rd.....Me.	5	Guilford.....Me.	5	New Limerick.....Me.	7	Shirley.....Me.	5
waier.....Me.	9	Hampden.....Me.	1	New Sweden.....Me.	11	Smyrna Mills.....Me.	9
ville.....Me.	6	Herman.....Me.	10	Nixon.....Me.	11	Soldier Pond.....Me.	11
ville Junction.....Me.	7	Hillman's.....Me.	10	Norcross.....Me.	6	South LaGrange.....Me.	5
ellison.....Me.	3	Houghtonville.....Me.	10	North Bangor.....Me.	1	South Sebec.....Me.	3
.....Me.	10	Houlton.....Me.	10	Notre Dame.....Me.	12	Spaulding.....Me.	11
Mills.....Me.	7	Howe Brook.....Me.	5	Oakfield (formerly Oak- field Junction).....Me.	7	Squa Pan.....Me.	10
son.....Me.	6	Iron Works (formerly Katahdin Iron Works).....Me.	7	Ogden Road Siding.....Me.	11	Stacyville.....Me.	7
(formerly Mil- tion).....Me.	5	Island Falls.....Me.	7	Parent.....Me.	12	State Road.....Me.	11
Rips.....Me.	7	Jentland.....Me.	11	Patten.....Me.	9	Stockholm.....Me.	11
.....Me.	8	Keegan.....Me.	12	Pea Cove.....Me.	3	Stockton.....Me.	3
.....Me.	10	Kidder's.....Me.	3	Perham.....Me.	11	Van Buren.....Me.	11
Lake.....Me.	11	La Grange.....Me.	5	Phair.....Me.	10	Violette.....Me.	12
lover.....Me.	2	Ledges.....Me.	4	Pierre.....Me.	4	Walker.....Me.	10
lininocket.....Me.	8	Lille.....Me.	12	Portage.....Me.	11	Wallagrass.....Me.	11
.....Me.	10	Limestone.....Me.	10	Prosquo Isle.....Me.	10	Washburn.....Me.	11
unt.....Me.	10	Littleton.....Me.	9	Prospect.....Me.	3	Westbrook.....Me.	10
airfield.....Me.	10	Ludlow.....Me.	7	Rand Cove.....Me.	5	Westfield.....Me.	10
.....Me.	10	Madawaska.....Me.	12	Robinson's.....Me.	9	Westmanland.....Me.	11
ent Village.....Me.	12	Maple Grove.....Me.	10	St. Croix.....Me.	10	West Seboia.....Me.	6
ort.....Me.	3	Manitowish.....Me.	10	St. Francis.....Me.	12	Wheelock.....Me.	4
ville.....Me.	3	Mars Hill.....Me.	10	St. John.....Me.	4	Wiley Road.....Me.	8
		Masardis.....Me.	10			Winterport.....Me.	3
						Winterville.....Me.	11

page 6 of tariff.

BASES FOR CONSTRUCTING RATES

Explanation of Rate Bases numbers shown in list of points from which rates apply, as enumerated above

Rate Basis Number	Add to	To Make Rates from Points Taking Group Number	Add to
Rate Basis 1 Rates.....	1 cent per 100 pounds.	8.....	Rate Basis 1 Rates.....
Rate Basis 1 Rates.....	2 cents per 100 pounds.	9.....	Rate Basis 1 Rates.....
Rate Basis 1 Rates.....	3 cents per 100 pounds.	10.....	Rate Basis 1 Rates.....
Rate Basis 1 Rates.....	4 cents per 100 pounds.	11.....	Rate Basis 1 Rates.....
Rate Basis 1 Rates.....	5 cents per 100 pounds.	12.....	Rate Basis 1 Rates.....
Rate Basis 1 Rates.....	6 cents per 100 pounds.		Rate Basis 1 Rates.....
Rate Basis 1 Rates.....	7 cents per 100 pounds.		Rate Basis 1 Rates.....
Rate Basis 1 Rates.....	8 cents per 100 pounds.		Rate Basis 1 Rates.....
Rate Basis 1 Rates.....	9 cents per 100 pounds.		Rate Basis 1 Rates.....
Rate Basis 1 Rates.....	10 cents per 100 pounds.		Rate Basis 1 Rates.....

RULES AND REGULATIONS GOVERNING TARIFF AS AMENDED

Routing Regulations.

(Cancels Routing Regulations, page 5 of tariff)

ing when specified herein is that ordinarily and customarily to be used. If, from any cause arising from the exigencies or errors of carriers, property in other junction points or routes, but over the lines of carriers parties to the tariff, the through rates named herein will apply.

1-A—Cancels Item No. 1 of tariff.

Routing via Petersburg, Va., in connection with the Atlantic Coast Line Railroad and Seaboard Air Line Railway.

as published in tariff as amended will not apply via Petersburg, Va., and the Atlantic Coast Line Railroad, or Petersburg, Va., and Seaboard Air Line

TABLE OF COMMODITY RATES

RATES IN CENTS PER HUNDRED POUNDS

FROM POINTS TAKING RATE BASIS No. 1. (See above.)

For basis for rates from other points of origin, see above.

TO	Rate	Amends Tariff Page No.	TO	Rate	Amends Tariff Page No.	TO	Rate
oArlington.....Ga.	51		oDonaldsonville.....Ga.	48		oNew Decatur.....Ala.	46
oBlakely.....Ga.	51	4	oDouglas.....Ga.	47		oNorthport.....Ala.	0
oBlue Ridge.....Ga.	58		oEatonton.....Ga.	52		oOakland City.....Ga.	0
oBoston.....Ga.	58		oEllijay.....Ga.	57		oPelham.....Ga.	0
oCairo.....Ga.	47		oFodie.....Ga.	49		oSeneca.....Ga.	54
oCamilla.....Ga.	55		oLakewood Station.....Ga.	0		oShelburn (Randolph County).....Ga.	51
oCarrollton.....Ga.	58		oLenoir City.....Tenn.	44		oStillmore.....Ga.	46
oCommerce.....Ga.	52		oMcRae.....Ga.	43		oTallapoosa.....Ga.	51
oCornelia.....Ga.	58		oMineral Bluff.....Ga.	49		oWaverly Hall.....Ga.	51
oCuthbert.....Ga.	50	4	oMontezuma.....Ga.	46			

No Agent. Freight must be prepaid.

in compliance with order of Interstate Commerce Commission in Case No. 4361, rates to Boston, Ga., shall not be higher than those contemporaneously in Thomasville, Ga., for a period of two (2) years from April 25, 1913.

Reissue—Effective June 1, 1913, in Supplement No. 1.

Reissue—Effective October 10, 1913, in Supplement No. 2.

Reissue—Effective November 15, 1913, in Supplement No. 3.

Reissue—Effective September 15, 1914, in Supplement No. 4.

Reissue—Effective October 1, 1914, in Supplement No. 5.

Reissue—Effective October 1, 1914, in Supplement No. 6.

Reissue—Effective October 1, 1914, in Supplement No. 7.

Reissue—Effective October 1, 1914, in Supplement No. 8.

Reissue—Effective October 1, 1914, in Supplement No. 9.

Reissue—Effective October 1, 1914, in Supplement No. 10.

Reissue—Effective October 1, 1914, in Supplement No. 11.

Reissue—Effective October 1, 1914, in Supplement No. 12.

Reissue—Effective October 1, 1914, in Supplement No. 13.

Reissue—Effective October 1, 1914, in Supplement No. 14.

Reissue—Effective October 1, 1914, in Supplement No. 15.

Reissue—Effective October 1, 1914, in Supplement No. 16.

Reissue—Effective October 1, 1914, in Supplement No. 17.

Reissue—Effective October 1, 1914, in Supplement No. 18.

Reissue—Effective October 1, 1914, in Supplement No. 19.

Reissue—Effective October 1, 1914, in Supplement No. 20.

Reissue—Effective October 1, 1914, in Supplement No. 21.

Reissue—Effective October 1, 1914, in Supplement No. 22.

It should not be overlooked that in every instance mentioned above the size of supplements includes the title-pages and indexes (Rule 9e).

Exceptions to the foregoing rule have been made in the case of periodical tariffs (Rule 9f) and in cases where supplements or tariffs have been suspended in full or in part by the Interstate Commerce Commission (Rule 9k).

SUPPLEMENTS TO PERIODICAL AND LOOSE-LEAF TARIFFS

Periodical tariffs,¹ that is, tariffs which bear statement on their title-page that they will be reissued at a stated period, while they must conform to the foregoing rule as to the number of supplements in effect, are not subject to the rules with reference to the size of supplements. In other words, if a tariff of thirty-two pages states on its title-page that it will be reissued at stated intervals, it may be supplemented to the amount of thirty-two pages or even more, provided that not more than two supplements are in effect at any one time (Rule 9f).

Loose-leaf tariffs² may not be supplemented except for the purpose of cancellation, or to give notice of closing or opening of navigation, or in case of suspension by the Interstate Commerce Commission (Rule 9e, last paragraph).

SUSPENSION SUPPLEMENTS

All supplements which are issued to announce the suspension of rates or rules ordered by the Interstate Commerce Commission may be issued without regard to the number of supplements in effect or the size thereof. In other words, suspension supplements are not counted

¹ See Chapter VIII for full explanation of periodical tariffs.

² See Chapter VIII for full description of loose-leaf tariffs.

against the number and size of supplements which are permitted to be issued to a tariff of certain size.

BRIDGE SUPPLEMENTS

In issuing new tariffs where they have knowledge of certain contemplated changes which could not be put in such tariffs, carriers may show the item which will later be amended as a reissued item with the original effective date, in order that a supplement may be issued to the new tariff making a change therein before such new tariff has been in effect thirty days.

It frequently happens, however, that the carriers have no advance knowledge of changes which they may desire to make in a new tariff before it has been in effect thirty days from the date of issue. In such cases the Commission has granted them the privilege of making a change in an item which was brought forward in a new tariff without change by issuing a supplement to both the old tariff and the new one. Such a supplement is commonly called a "bridge supplement." For example, suppose I. C. C. No. 300, to which nine supplements had been issued, was reissued as I. C. C. No. 400. To take advantage of the foregoing rule, it would be necessary to issue a supplement, showing it to be Supplement No. 10 to I. C. C. No. 300 and Supplement No. 1 to I. C. C. No. 400. The effective date for the item which is to be changed should be thirty days from the date on which the supplement is filed with the Interstate Commerce Commission and posted at stations.

The one strong objection to the use of bridge supplements is the rule governing the size and number of supplements in effect. This rule must be strictly conformed to in the case of the old tariff, which in the example cited above was I. C. C. No. 300. For instance, if Tariff I. C. C. No. 300 consisted of thirty-two pages,

to which the carrier is permitted to have two supplements in effect at one time, and if these supplements consisted of three pages each, it would be necessary in issuing the bridge supplement to bring forward one of the two supplements in effect in its entirety. In other words, in addition to taking care of the change in the one item which is desired, it would also be necessary to bring forward all the information that was published in the supplement to I. C. C. No. 300 which was reissued, in order to comply with the Commission's rule as to the number of supplements which may be in effect at any one time (Rule 9h, second paragraph).

If Tariff I. C. C. No. 300 was a large tariff, containing, say, two or three hundred pages, it is readily apparent that it would be a very expensive proposition to issue a bridge supplement to it, amending it and I. C. C. No. 400, because it might entail the reissuance of many pages of matter in the last supplement to I. C. C. No. 300.

CHAPTER IV

MISCELLANEOUS RULES

IN GENERAL

The preceding chapters have dealt more particularly with the information which Tariff Circular No. 18-A provides must be shown in tariffs and supplements, together with the order in which such information must appear under the several general heads or subdivisions. The rules laid down by the Commission go much further than this and state exactly how the items themselves are to be constructed and what may or may not be done in compiling tariffs and supplements.

It is the purpose of this chapter to deal with the more important rules of this character. As each rule is complete in itself, they have been arranged in alphabetical order, as nearly as possible, and under descriptive captions. Reference to the actual rule in Tariff Circular No. 18-A has been shown in the same manner as in previous chapters.

ADOPTION NOTICES

When a change is made in the ownership or control of a carrier, or when a road or a part of a road is transferred from the operating control of one company to that of another, or, again, when its name is changed, the carrier which is thereafter to operate such road, in case it intends to use the tariff publications and fares of the former operating company, shall issue, file, and post, with I. C. C. number, an adoption notice containing a statement

as shown on page 3 of Supplement No. 3 to Tariff Circular No. 18-A, which sets forth a substitute for Rule 9i.

It should be observed that such adoption notice covers not only the tariffs which have been filed and posted, but also all powers of attorney, concurrences, or other instruments which have been filed with the Interstate Commerce Commission.

Such notices may be issued to become effective on immediate notice. They must also be issued when a receiver assumes possession and control of a carrier's line.

All concurrences and powers of attorney so adopted by a carrier must, as soon as possible, be replaced or superseded by new concurrences or powers of attorney issued by and in the name of the new carrier or company and such documents must, in each instance, cancel the old ones which were adopted by the adoption notice.

Supplements to tariffs which have been adopted in this manner should be issued as supplements to the I. C. C. number of the original road until such time as such tariffs are reissued under the I. C. C. number of the road to whose control the issuing line has passed.

ADVANCES AND REDUCTIONS IN RATES TO BE SHOWN IN MANNER CLEAR TO PUBLIC AND COMMISSION

In order that the commercial public may be fully advised as to changes in rates which are made from time to time, the Commission has provided that all advances and reductions, when made either by supplement to, or reissue of, a tariff, must be indicated by symbols and such symbols fully explained at the foot of each page (Rule 2a).

The Commission permits these changes to be shown by using different styles of type (such as bold face and

italics) for reductions and advances, but actual practice has found this to be rather unsatisfactory. It is also much more expensive to follow this plan in publishing tariffs because in the present day most tariffs are placed in type by monotype machines and such machines can use but two faces of type in the same font (that is, the same size) at one time. To use three styles of type necessitates going over the work twice, which entails considerable added expense to the issuing carrier.

USE OF AMBIGUOUS TERMS

The Commission, throughout Tariff Circular No. 18-A, has been very particular to explain its position as to the use of ambiguous or uncertain terms. The following examples will explain just what is meant by this expression. (Rule 4i.)

In issuing tariffs, it is very often found advantageous to refer to a large territory, such as Southeastern Territory, or to a number of points which are grouped together and known as "common points." While these terms may be used, they must be fully explained either in the tariff itself or in some other issue and specific reference made to the other issue in connection with the terms themselves. For example, if the expression "Southeastern Territory" is used, the tariff should state "Southeastern Territory as described in (here insert the name of issuing carrier or agent) I. C. C. No.," etc. (Rule 6).

It was also formerly customary to name rates in terms such as "grain products," etc., without specifying the actual items which went to make up the terms themselves. Under present practice, if such terms are used, they must be fully explained in the issue in which employed or reference made by I. C. C. number to the issue in which such explanation will be found.

Frequently, rates are named per ton. When this term is used the tariff must specify the kind of ton. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds" and a ton of 2,240 pounds as "gross ton," "long ton," or "ton of 2,240 pounds" (Rule 4i).

The term "cancels conflicting portions" must not be used (Rule 9c). If only a portion of a supplement or tariff is canceled, the canceling issue must state explicitly just what portion is canceled, because otherwise there would be more or less uncertainty on the part of everyone using the tariff or supplement which has been amended as to just what portions of the old tariff or supplement actually remain in effect.

The foregoing illustrations forcibly impress the fact that in compiling tariffs the greatest care must be exercised to see that every statement is clear and definite and also that each and every term is fully explained in the tariff itself or reference made by I. C. C. number to the tariff in which such explanation will be found.

AMENDING TARIFFS IN WHICH ITEMS ARE NUMBERED

In amending a tariff or a supplement in which the items have been assigned numbers, the amended items must always be reprinted in full in the new supplement (Rule 9a) and the same item number used, designating the amended item; for instance, Item 1-A supersedes Item 1. If this same item is again amended in another supplement, the new supplement must show that Item 1-B supersedes Item 1-A, and so on (Rule 8f).

CROSS-REFERENCES FROM ONE TARIFF TO ANOTHER

In the publication of tariffs, it is often found advisable to refer to other tariffs for territorial descriptions, descriptions of commodities, and other information.

Under Tariff Circular No. 18-A this practice is permitted, but in all cases where such cross-reference is made, care must be taken to refer to such other issue by I. C. C. number. It therefore follows that if the tariff which is to be referred to has not been filed with the Interstate Commerce Commission, such cross-reference may not be made thereto and it will be necessary to reproduce in full in the tariff which is being constructed any rules, regulations, or other descriptive matter which has not been legally established.

GEOGRAPHICAL DESCRIPTION

In certain classes of tariffs covering a large territory, rates frequently apply to all the stations in a state. In such instances it is proper to use geographical description, as "points in New York," provided all points in the state of New York are subject to the particular rate or rates. The Commission has granted relief in the use of this term in instances where rates do not apply to all points in a state, provided the excepted territory does not exceed one third of the number of points in that state. In such cases, however, it is necessary to name the points which are actually excepted from the application of the rates (Rule 4d).

PUBLICATION OF RATE MULTIPLES, PERCENTAGE EQUIVALENTS, ETC.

In certain sections of the United States, particularly in Official Classification Territory, where the number of classes is but six, in order to provide a wider stretch for rates on commodities which are not properly subject to one of the six classes, bases for rates have been established on percentages of one of the classes. For instance, petroleum-oil rates in Official Classification Territory are

generally on the basis of 90 per cent of the current fifth-class rates. Throughout all territory of the United States, subject to all classifications, many ratings are established which are so-called "multiples" of the class rates. For instance, a commodity may take a rate two times first class, three times first class, or four times first class, etc.

Because of the foregoing situations, the Commission has provided, in order that all rates may be easily located, that such multiples and percentage equivalents must be published in the tariffs providing for the six classes which are included in the classification (Rule 4i).

The result of this procedure in Official Classification Territory, where there are but six classes, is actually the extension of the number of classes to as many rate groups or rate bases as may be necessary, in order to give each and every commodity its proper rating as related to other commodities. This particular feature of rate-making is fully explained in the treatise on *Freight Classification*.

RATES ON SAME COMMODITY IN DIFFERENT TARIFFS

A local tariff on a single commodity or on a few commodities must contain all of the issuing carrier's commodity rates on such commodity or commodities applying from any point of origin to any point of destination named in the tariff. Likewise, a joint commodity tariff must contain all the issuing carrier's commodity rates on the same commodity or commodities applying from any point of origin to any point of destination named in the tariff, via the route or routes authorized by such tariff (Rule 4c, fourth paragraph).

It will be observed that the foregoing does not state positively that all of the rates of any carrier on any one commodity must be in the same tariff, the restriction applying only to rates on such commodities between the

same points. Regardless of this feature, however, the Commission has indicated that it greatly prefers having all of the issuing carrier's rates on any one commodity in one tariff, because this practice enables anyone using such tariff quickly to determine what rates may be in effect on a certain commodity. Hence, the carriers have generally adopted the practice of showing all of their rates on any one commodity in one tariff, as this makes it easier for agents and for others who use the tariffs and it also simplifies the work in the tariff departments.

It might be well to add that in years gone by it was customary for carriers to issue innumerable tariffs on the same commodity. This resulted in their having a large number of tariffs to keep record of and it also actually resulted in additional printing expense, because a tariff covering all the rates on one commodity can be issued at a very much less cost than results if such rates are printed in a good many tariffs.

This procedure is directly along the line of simplification of tariffs, which was one of the desired results the Commission had in mind when it promulgated Tariff Circular No. 18-A.

SUBSTITUTING RATES IN ONE TARIFF FOR THOSE IN ANOTHER

No rule or regulation may be included in a tariff which in any way or in any terms authorizes the substitution of any rate named in the tariff for a rate found in any other tariff (Rule 4h). For example, a tariff which names through class rates from points in Central Freight Association Territory to destinations in the Northwest may not state that such rates will apply, unless the combination of intermediate locals produces a lower through rate. In some instances the Commission has departed from the enforcement of this rule. In the so-called "Intermountain cases," because of complications which could not be

immediately disposed of, authority was granted the Trans-Continental lines to include a clause which provided that where the combination of intermediate local rates produced lower through rates than the through joint rates published in Trans-Continental tariffs, such combination basis might be used. However, it is understood that this authority was only to be used until such time as the carriers could make the necessary adjustment in their tariffs.

SUSPENSION OF TARIFFS OR SUPPLEMENTS

The treatise on the *Act to Regulate Commerce and Supplemental Acts* shows that under the authority vested therein by Section 15, the Interstate Commerce Commission may suspend tariffs or supplements which name advanced rates. This authority is quite frequently asserted by that body.

Consequently, in the event that a proposed schedule, either a tariff or a supplement, establishes rates or practices which the Commission questions, either on its own initiative or because of complaints of shippers or consignees, the Commission may suspend the publication until it has had an opportunity to inquire into the reasonableness of the changes proposed.

The Commission conveys to the interested issuing carrier or agent, by formal order, a notice to the effect that it has suspended the effective date of the publication for a period of one hundred and twenty days beyond the effective date. If required, a further suspension is permitted to the extent of six months.

Upon receipt of an order from the Interstate Commerce Commission suspending a tariff or supplement in full, the issuing carrier must *immediately* file with the Commission a supplement stating that the schedule is under suspension and may not be used until the expiration of the suspension period. Such supplement must state that

the rates previously in effect and which were changed by the suspended publication will remain in effect during the interim. Reference to the tariff or supplement which contains rates so reinstated must be made by I. C. C. number in the suspension supplement (Rule 9k, second paragraph).

Likewise, upon receipt of an order from the Commission suspending a part of a publication, the issuing carrier must *immediately* publish and file a supplement with the Commission. Such supplement must contain a complete copy of the Commission's order of suspension, together with statements similar to those used in supplements to tariffs which are suspended in full as to the continuance of the rates formerly in effect and where such former rates are to be found (Rule 9k, third paragraph).

After the Commission has passed upon the propriety of the proposed rates or practices, it is frequently found that the changes were reasonable and should be permitted in part or in full. Consequently, after investigation has been made, the Commission announces its final order, which, if it permits the advances to go in, vacates the suspension notice and authorizes the establishment of the proposed changes. This fact is communicated to the carriers or their agent by formal order.

Supplements issued in conformity with a vacating order of the Commission must immediately be filed with the Commission, stating the date upon which, under the terms of the vacating order, the rate, classification, charge, regulation, or practice becomes effective (Rule 9k, fifth paragraph).

In the event that the Commission fails to vacate the order of suspension or to order a further suspension for the period allotted by law, the schedules automatically become effective on the expiration of the period of suspension set forth in the original order.

CHANGES IN TARIFFS AND SUPPLEMENTS WHICH ARE UNDER
SUSPENSION

When tariffs or supplements have been suspended in their entirety by the Commission, no change may be made in such tariff or supplement during the period of suspension (Rule 9k, tenth paragraph), except that when such tariff or supplement contains any reductions, it is proper to bring forward such reductions by amending the tariff or supplement which was formerly in effect, giving one day's notice to the Interstate Commerce Commission. In case the tariff which is restored by the suspension contains less than five pages, in order to take care of the reduction made by the new tariff, it is, of course, necessary to reissue the former. Under no circumstances may a supplement be issued to the old tariff if it contains less than five pages (Rule 9m).

From the foregoing, there may be some misunderstanding in regard to taking care of ordinary changes in rates when a tariff or supplement has been suspended. However, it is not the intention of the Commission, when it suspends in full a tariff or a supplement or partially suspends items therein, to prevent the making of changes in the rates which are restored. It has distinctly stated that it is proper to make such ordinary changes as are necessary in rates which are restored by use of its power of suspension, provided such rates do not result in advances. For example, a tariff may contain a number of reissued items which may not have been changed. As to such rates, the order of the Commission is without force and they may be reduced at will upon giving statutory notice.

If, however, the desired changes result in advancing the cost of service to the public, they must be authorized by special order by the Commission before they can be published. (See Appendix C.)

TEMPORARY SUSPENSION OF RAIL-AND-WATER RATES

In connection with certain lines operating on the Great Lakes, navigation is not possible the year around, the period usually being from the first of April until the middle of October. The accumulation of ice and the dangers attending navigation cause a cessation of this service during the winter months.

There are, however, many tariffs in effect which name the rates of various lines in connection with these lake transportation agencies. If it were required that these issues be canceled at each successive close of navigation, a great expense would fall upon these carriers to no good end.

We have already observed in the case of tariffs which name rail-and-water rates or all-water rates, applicable via routes upon which it is necessary to discontinue navigation during a portion of the year, a clause must be inserted on the title-page stating that such rail-and-water or all-water rates are subject to suspension at the close of navigation and restoration at the opening of navigation. In addition to this requirement, it is also necessary to insert in the body of the tariff, under the general caption of rules and regulations, the clauses relative to the suspension and restoration of such rates as provided under Rule 12b of Tariff Circular No. 18-A.

It frequently happens that the rates which were effective during a previous season of navigation are reissued in a new tariff with the opening of navigation for the ensuing season.

In such instances it is not necessary to issue a supplement announcing the restoration of rates, provided the effective date of the new tariff conforms with that shown in the rule governing the restoration of rates in the old tariff. If, however, the effective date of the new tariff, as well as the effective date of the opening of navi-

gation, *is not* the same as that shown in the rule governing the restoration of rates in the old tariff, then a supplement must be issued announcing the opening of navigation on a date not prior to the effective date of the new tariff, or in such new tariff, as a part of, and immediately following, the rules governing the opening of navigation, the following clause must be shown:

“The effective date of this tariff is as shown on title-page and therefore no supplement announcing restoration of rates is required for the season of”

If a tariff is issued which does not supersede an old tariff, in other words, if rates are established with a water line which was not formerly in operation, it is necessary to issue a supplement to this tariff when navigation opens, showing the effective dates thereof, unless the following rule is made a part of the suspension-and-restoration clause appearing in the issue: “The effective date of this tariff is as shown on title-page and therefore no supplement announcing restoration of rates is required for the season of”

Supplements issued under Rule 12 announcing the suspension and restoration of rail-and-water or all-water rates should not contain anything except such suspension or restoration notice or notices. Only one supplement announcing suspension or restoration of rates in a tariff may be in effect at any one time. Furthermore, such supplements will not be counted against the number of supplements permitted to such tariffs, regardless of the rules governing the size and number of supplements in effect.

The rates in connection with rail-and-water routes named in a tariff under suspension may be reissued or supplemented during the period of suspension on account of the close of navigation or otherwise, effective on statutory notice. In case navigation is opened before statutory notice has elapsed, after the publication of a new tariff

or supplement to the old one, such new tariff or supplement may not take effect until the full statutory period has elapsed. Therefore, a restoration supplement must, of necessity, be issued to the old tariff under suspension, announcing that navigation will be opened on a certain date.

It should not be overlooked that the rail-and-water rates or all-water rates named in tariffs which do not contain the provisions of Rule 12a and Rule 12b may not be amended to give notice of suspension, withdrawal, or restoration of rates, rules, or regulations named therein on less than statutory notice (Rule 12f).

CANCELLATION OF CARRIERS' TARIFFS BY AGENCY TARIFFS

If a carrier's tariff is to be canceled in full by an agent acting under a power of attorney for such road, the cancellation may be made by the agent and no individual action is necessary on the part of the carrier (Rule 8b). When the carrier's tariff is only canceled in part, however, by the agent's tariff, the rule on page 63 as to partial cancellation must be followed by both the carrier and his agent (Rule 8a).

CHAPTER V

CANCELLATION

In the event of a change in rates, rules, or practices from those incorporated in existing publications, great care should be exercised in seeing that the subsequent publication, whether it be a new tariff or a supplement, is so framed and worded as to remove every doubt regarding the cancellation of the rates, rules, or practices formerly in effect. The Interstate Commerce Commission has ruled that where the preceding issue or rate has not been specifically canceled, the older rate continues in effect, and as applied to that traffic the subsequent publication is inoperative.

CANCELLATION OF TARIFFS

When a tariff is canceled and no other tariff is to take its place, such cancellation may be made only by a supplement to the tariff and this supplement should state explicitly what rates or basis for rates will thereafter apply and in what publications they may be found (Rule 8e).

When an old tariff is canceled by a new tariff, the cancellation notice of the old tariff must be incorporated in the new issue and must not be made by supplement (Rule 8e). If, in the event of error or omission, the later issue failed to cancel the previous issue, the older tariff may be canceled by supplement thereto, to perfect the record (Rule 8d).

The statement that "I. C. C. No. 2 supersedes I. C. C. No. 1" is always understood to mean that not only is

I. C. C. No. 1 canceled, but also all supplements to I. C. C. No. 1 as well are simultaneously canceled (Rule 8e).

PARTIAL CANCELLATION

It frequently happens that a tariff cancels but a portion of another tariff or supplement to another tariff. In such a case notice of cancellation must specifically state the portion of the former tariff or supplement canceled, and such former issue amended by supplement or reissued, if necessary, to state where the rate so canceled will thereafter be found, the effective date being made the same as to both publications (Rule 8a).

The most satisfactory procedure in such instances is as follows:

First, to issue the required supplement to the tariff partially canceled, specifying clearly the portion of said tariff or supplement thereto which is to be canceled and making reference by I. C. C. number to the new tariff to which rates or data have been transferred; or if a tariff contains less than five pages or the supplementary space allotted thereto has been exhausted, by the reissue thereof, and statement made in the reissue to the effect that the omitted data will be found in the tariff to which it has been transferred, such reference to be made by I. C. C. number.

Second, the new tariff should then give reference to the supplement or reissue of the old tariff in describing the portion canceled. For example, "Cancels that portion of I. C. C. No. indicated in Supplement No. thereto" or "Cancels that portion of I. C. C. No. indicated in I. C. C. No." In the latter case, suppose that I. C. C. No. 2 is to contain certain rates or information formerly published in I. C. C. No. 1, a tariff of less than five pages which cannot be supplemented. To make a clear statement as to the rates or information

transferred to I. C. C. No. 2, I. C. C. No. 3 must be issued to cancel I. C. C. No. 1 and reference made to such statement in I. C. C. No. 2.

Expressed in another way, suppose that I. C. C. No. 1 contains rates from St. Louis, Mo., which are to be transferred to I. C. C. No. 2. I. C. C. No. 1, being a tariff of less than five pages, must be reissued as I. C. C. No. 3 and statement made that the St. Louis rates will be found in I. C. C. No. 2. On the other hand, I. C. C. No. 2 must contain statement that it cancels the St. Louis rates in I. C. C. No. 1 as indicated in I. C. C. No. 3.

CANCELLATION OF NUMBERED ITEMS

The individual rules, rates, routes, and other features which go to make up a tariff are referred to as items. It is customary to assign to each a number in arithmetical order, by which these features are indexed under their respective headings and by means of which they may be readily identified and referred to in correspondence and practice.

In cases where items are assigned numbers and it is desired to cancel one of such items, the supplement must show the item number used in the original tariff or supplement in arranging such a cancellation. For example, suppose that it is the intention to cancel Item No. 17; in the supplement which is to effect such cancellation, a statement must be shown that Item No. 17-A cancels No. 17, and in case the supplement which makes this cancellation is reissued in another supplement, it must still carry the cancellation item, showing that Item No. 17 is canceled by Item No. 17-A. In both instances, of course, statements must be made as to where the rates will thereafter be found or what rates will thereafter apply, using one of the clauses shown in Rule 8e (Rule 8f).

CANCELLATION OF RATES BY OMISSION FROM NEW TARIFF

When a new tariff canceling a previous tariff does not contain all rates named in the previous tariff and it is the intention to cancel such rates, the notice of cancellation must state, in one of the following forms, where the rates will thereafter be found: "Rates in Tariff I. C. C. No. . . . will apply," or "Class rates will apply," or "Combination rates will apply," or "No rates in effect" (R-8e); if such omissions effect advances or reductions in charges, the advances or reductions must be made known by use of proper symbols (Rule 2a).

When a tariff is reissued, any item number desired may be assigned in the new issue; that is to say, the same item numbers do not have to be perpetuated in the reissue of the publication. The formal statement appearing on the title-page of the new issue that "I. C. C. No. . . . supersedes I. C. C. No. . . ." means that every rate or item in, and every supplement to, the old tariff is superseded.

As applied to the commodity tariffs, the aim of the compiler is, as far as possible, to adhere to an alphabetical arrangement in tabulating the various items, for in this way various rates on the same commodity are brought together, and thus it is unnecessary for the user of the publication to refer to more than one group of commodities for rates on a specific division of that commodity.

In this connection, where the item plan is followed, the Commission requires that an amended item be brought forth in a supplement in its entirety. For example, it would not be sufficient to state that the rates on commodities enumerated in, say, Item No. 15, were advanced from 15 to 16 cents, but it would be necessary to show the articles and the application of the rates as set forth in the original issue (Rule 9a).

CANCELLATION OF AGENCY TARIFFS BY CARRIER

A carrier may not, by an individual tariff, cancel the tariff of its agent unless such agent, at the same time, issues and files a supplement to the tariff involved (Rule 8b).

CANCELLATION UNDER CONCURRENCE

A tariff of one carrier cannot be canceled by another carrier or an agent under a concurrence running to such other carrier or agent (Rule 8c). For example, if a carrier desires to have another carrier or agent issue under a concurrence a tariff which it formerly issued itself and, for certain reasons best known to itself, it has not executed a power of attorney to such other carrier or agent, the new tariff cannot cancel the old tariff. Under such a condition, it is necessary for the carrier to cancel its own tariff by supplement thereto and make reference in said supplement to the I. C. C. number of the tariff in which the rates, etc., are thereafter to be found. The effective date of this supplement must correspond with that of the new tariff.

CONDENSING SUPPLEMENTAL MATTER

The tariff-compiler is compelled to use considerable ingenuity at times in order to condense the amount of supplemental matter in the prescribed limit provided by the Commission for tariffs of various sizes. It is, of course, advisable to supplement the publications as long as it can be done and maintain the efficiency of the issue. It must be understood that the expense attending the preparation of new issues is considerable, for which the carriers receive no direct return, these publications being furnished gratis to shippers.

CHAPTER VI

CONCURRENCES AND POWERS OF ATTORNEY

PURPOSE

In connection with the publication of tariffs containing joint rates, Section 6 of the Act to Regulate Commerce provides as follows:

The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

EARLY ATTEMPTS

In their first attempt to comply with the above requirement as to showing a list of the participating carriers in tariffs and giving evidence of concurrence therein to the Interstate Commerce Commission, the carriers printed in each tariff a list of all the carriers which participated therein, or which were supposed to participate therein, under the general caption: "The following carriers will certify to the Interstate Commerce Commission their concurrence in the rates, rules, or regulations named herein."

There were two plans to be followed by such concurring carriers:

(1) To issue, on a form similar to the one reproduced below, a specific concurrence in each tariff and supple-

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ment in which they were shown as participating carriers.¹

THE RAILWAY COMPANY
General Freight Department,
.....189..

No.....

TO THE INTERSTATE COMMERCE COMMISSION, WASHINGTON, D. C.:

This is to certify that the Company assents to and concurs in the publication and filing of the schedule described below, and hereby makes itself a party thereto:

Title and }
Number }

(Here give exact description of the title of schedule, including number and name of series.)

Date of issue

Date effective

Issued by

(Official)

(Company)

.....Company's No.....

(Here insert title and number of certifying road, if any.)

.....
(Signature of concurring carrier.)

(2) To furnish the Interstate Commerce Commission with a statement to the effect that all tariffs issued by a certain railroad were concurred in except those tariffs in connection with which specific advice of non-concurrence was given to the Commission.

DISADVANTAGES

The Commission's attempt to check up these various specific concurrences with the tariffs covered thereby must have been an enormous undertaking. It is believed

¹ The various other forms mentioned in this chapter will be found on pages 40 to 47, inclusive, of Tariff Circular No. 18-A, which appears as the appendix of this work.

that it was found impossible to file these various concurrences in a manner which would render them available in case of necessity. In any event, the Commission discontinued checking concurrences in 1898 and indicated to the various carriers that it preferred them to follow the second plan mentioned, namely, to file a blanket concurrence, with the understanding that when any tariff was issued of which a concurring carrier did not approve, such carrier would announce non-concurrence therein.

Some carriers, it is stated, sought to evade liability under this plan of concurrence, under the plea that they never concurred in certain tariffs, although such carriers were shown to have accepted traffic and collected charges thereon in accordance with such tariffs up to, and in some cases subsequent to, the date of filing notice of non-concurrence.

This condition was, of course, very unsatisfactory; in fact, some carriers never did file a declaration that they would concur in all tariffs issued by a certain road unless specific non-concurrence therein was made and at the same time actually accepted traffic and adjusted charges under joint tariffs in which they were shown as participants.

ORIGINAL FORMS

Under the additional powers granted the Commission by the Act of June 29, 1906, which resulted in the publication of specific rules to govern the publication of tariffs, a definite and specific plan of concurring in tariffs was inaugurated, which plan became effective in the first place on May 1, 1907.

Three forms were decided upon by the Commission for use by carriers announcing concurrence in tariffs issued by other lines and granting other lines and agents powers of attorney to issue tariffs for them.

Form FX1

The first form, designated "FX1," was known as the "power-of-attorney form" and was patterned very much along the same lines as the present form, which is shown on page 40 of Tariff Circular No. 18-A. There are two main points of difference, one of which was that the old form could be used by one carrier to grant another carrier the power to issue tariffs for it. This feature has been entirely eliminated from the present form, because, as the Commission states, experience has demonstrated that it is simpler and better to use a concurrence than to use power of attorney in giving authority to a carrier to publish and file another carrier's rates. The other point of difference deals with granting an agent authority to secure concurrences from carriers in tariffs published by such agent. This particular feature will be considered at length in the discussion of the present form, which follows later.

Form FX2

The original second form, known as "FX2," was a specific concurrence in a particular tariff and was drafted along the same lines as the specific concurrences which were used prior to May 1, 1907.

Form FX3

The original third form, known as "FX3," differed from the present form in that it provided that the carrier giving the concurrence assented to, and was bound by, rates which might have been named thereunder "applying via its line."

This form, it will be observed, might be construed as giving the carrier in favor of which it was issued author-

ity to publish rates not only to points on the concurring road or via such road, but also from points actually located on the line of that road. As the general rule and practice has always been for a carrier to reserve to itself the naming of rates on business which it originates, it was concluded by the Interstate Commerce Commission, at the suggestion of the railroads, that the concurrence form would, of necessity, have to be changed so as not to grant the lines or carrier in favor of which it was issued authority beyond that which the issuing carrier intended to convey.

PRESENT FORMS

The present forms for the appointment of agents (powers of attorney) and for concurrences as authorized for use by Tariff Circular No. 18-A will now be discussed.

POWERS OF ATTORNEY

Form FX1

For a number of years prior to the issuance of uniform rules to cover the publication of tariffs by the Interstate Commerce Commission, the carriers had demonstrated, to their entire satisfaction, that many rates could be published in a much more satisfactory manner and at a great saving of printing, etc., in one common issue, by an agent appointed to act for several carriers. For example, through rates have been in effect for many years from points in Central Freight Association Territory to St. Paul, Minneapolis, Duluth, Winona, and points taking the same rates. There are hundreds of points in the Northwest which take the same rates as St. Paul, Minneapolis, Duluth, and Winona and, under the usual plan, every road published a tariff of its own covering rates to the territory mentioned. This entailed a reproduction

of the list of destination points which occupied many pages in each road's tariff. Hence, the roads in Central Freight Association Territory finally concluded that the reproduction of these points in each tariff was a great waste of money because, if the rates from all points in Central Freight Association Territory were published in one tariff, the list of destination points need be shown but once. After due deliberation, it was decided that an agency tariff would be published to take care of the rates under discussion.

Prior to 1907, this tariff was published by Mr. J. F. Tucker, but no formal authority was conveyed to him by the different roads to cover this action on his part. While it is not known that any trouble ever came about through this procedure, the Commission immediately concluded that the matter of issuing tariffs by an agent should be covered by some legal document which would make the action of an agent as binding upon the roads, for which such agent issued an agency tariff, as though the roads issued such tariff individually. To cover this feature, the Commission adopted Form FX1.

By carefully reading this form as shown on page 40 of Tariff Circular No. 18-A, it will be observed that the issuing carrier conveys to its agent full power and authority to do and perform all and every act and thing as fully to all intents and purposes as if the same were done and performed by the executing company, and that such company also ratifies and confirms all that said agent and attorney may lawfully do by virtue of the power of attorney and assumes full responsibility for the acts and neglects of its said attorney and agent thereunder. However, this power of attorney grants to the agent merely the authority to issue and file tariffs, classifications, exception sheets, and supplements thereto.

It should be understood that this power of attorney does not give to the agent the authority to make agree-

ments with other railroads for the executing carrier, but gives him merely authority to publish rates, etc., which rates are first arranged and decided upon by the executing carrier. It is based upon this particular feature that the Interstate Commerce Commission has unequivocally placed its stamp of approval on the congregation and publication of rates through the medium of agency tariffs.

Under the first power-of-attorney form adopted by the Commission, before an agent could use the power conveyed thereby it was necessary for him to secure, from those carriers on whose lines were located the points to which rates were named, concurrences running to each of the carriers for which he issued rates, in order that he might be certain that each of the delivering carriers would concur in the rates published by him under power of attorney for the issuing carrier. For example, let us assume that a tariff is being issued for twelve carriers and that it names rates to points on twenty-five carriers. In order to have full information as to his authority covering the publication of these rates, it would be necessary for the agent to secure from each of these twenty-five delivering carriers a copy of its concurrence running to each of the twelve issuing carriers. In other words, three hundred concurrences in all would be required to cover the operation under discussion.

As we have learned, the Commission finally concluded that it was desirable, for the benefit of all concerned, in showing participating carriers in tariffs, also to show opposite each road the F'X concurrence authority under which that road was included as a delivering or intermediate line. It therefore follows that had the old form of power of attorney been continued, it would have been necessary for the issuing agent to give reference to three hundred concurrences.

The Commission did not wish to entail such an endless task on the carriers or their agents. It therefore indi-

cated that it would be proper for the carriers to have powers of attorney executed in their favor, granting to them the privilege to secure concurrences. This feature will be dwelt on particularly in the discussion of Forms FX6, FX7, and FX8.

As such a procedure was rather cumbersome, the Commission finally decided upon a plan of covering this particular feature of concurrences in the power-of-attorney form. Attention is directed to that portion of Form FX1 reading "(1) for it alone, and (2) for it jointly with other carriers."

The words "for it jointly with other carriers" were intended by the Commission to convey to the agent the authority to secure, in the name of the line issuing power of attorney, concurrences from all lines in rates which he might publish.

It is not obligatory upon the carrier executing a power-of-attorney form to grant to its agent the authority to secure concurrences, but it will be readily apparent that this procedure is the most desirable. It is only fair to state that this is the form which is now being universally used by the carriers in the appointment of agents to publish tariffs.

All powers of attorney must be printed or typewritten on hard-calendered paper, 8 by 10½ inches in size, and must be numbered in numerical order, such numbers to be shown at the upper right-hand corner of the first page (Rule 26f). It will be observed that this rule as cited does not agree exactly with the form shown on page 40 of Tariff Circular No. 18-A. However, the rule must be followed rather than the form referred to. In case a power of attorney supersedes a former one, immediately below the number of the new power of attorney should be shown a notice of the cancellation of the former one.

It should also be observed that powers of attorney must be signed by the president or other executive corporate

officer and attested by the secretary, who shall attach an imprint of the corporate seal of the road issuing such power of attorney.

It will be noted that this instrument cannot be issued by a general traffic manager, freight traffic manager, or general freight agent. In this respect the power of attorney differs from the various concurrence forms.

Powers of attorney may not be executed in favor of an association or bureau; in other words, all powers of attorney must run to an individual (Rule 18, first paragraph).

The authority conveyed by a power of attorney may be revoked by the issuing carrier only upon thirty days' official notice to the Commission (Rule 13a, second paragraph).

CONCURRENCE RUNNING TO AGENTS OR CARRIERS

Form FX2

In many instances, for various reasons, carriers are unwilling to give what might be called "blanket concurrences" to other railroads or to agents. In such cases the Commission has provided Form FX2, which may be issued to cover a tariff alone, another concurrence being required for each supplement issued to such tariff, or it may be issued in such a manner as to cover a particular tariff, supplements thereto, and all reissues thereof.

However, when this form is used, it is required that the copy for filing with the Commission must accompany the tariff covered thereby; in other words, it must be transmitted to the Interstate Commerce Commission with the tariff itself by the party issuing such tariff. When in continuing form, it can only be sent with the first issue of the tariff covered thereby.

This form of concurrence is not used to any great extent. In fact, about the only time it is used is when an issuing carrier has issued, under a blanket form of

concurrence running to it, tariffs which are not satisfactory to the concurring carrier and such issuing carrier has paid no attention to the requests of the concurring carrier that the tariff be modified to conform with its wishes. In such instances blanket concurrences (Forms FX3, FX4, or FX5) have been canceled. However, in order not to prevent the issuing carrier from exercising the privilege of publishing through joint rates, thus annoying the public by the absence of such rates, individual concurrences (Form FX2) may be given to such carrier to cover each tariff which is issued in a manner satisfactory to the concurring carrier. It is only fair to state, however, that this condition of affairs very rarely arises, because the tendency of all carriers is to issue only such through joint rates as are entirely satisfactory to each and every carrier participating therein.

It should be borne in mind that Form FX2 may be used by a carrier in concurring in a tariff published by another carrier or in a tariff published by an agent for another carrier.

CONCURRENCES RUNNING TO CARRIERS ONLY

Form FX3

Form FX3 is used in conveying concurrence from one carrier to another carrier and is the one most generally in use today.

We have already observed that the first form of this series adopted by the Commission was general. Particular attention is therefore directed to the fact that the current form merely conveys concurrence to another line in so far as such other line may publish rates to points on or via the road executing concurrence. This concurrence form makes a positive statement that it does not cover rates from points on the line by whom issued. No deviation in the text of this form is permitted unless

it is desired to show what agents have been given power of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents. This feature is very seldom taken advantage of, however, for the reason that lines issuing powers of attorney are very careful to indicate to their agents those rates which they individually publish, as well as those which the agent is permitted to publish for them. Hence, when any qualification is desired, Form FX4 must be used.

Form FX4

This form of concurrence is also used by one railroad in conveying concurrence to another railroad, but it varies from Form FX3, in the first place, in that it is subject to qualification, whereas Form FX3 may not be qualified in any way.

From the text of Form FX4, as shown on page 43 of Tariff Circular No. 18-A, it will be observed that (1) it may be made to cover different kinds of traffic; (2) it may cover rates published in both directions, that is, between certain points; (3) it may be made to apply from certain points on the issuing road to points on other carriers; (4) it may be made to cover only the movement of traffic via the line of the issuing carrier.

We have already seen that the Commission, in its present form of power of attorney, has eliminated the issuance of power of attorney by one road running to another road. Where one road desires another road to issue tariffs for it, this authority is usually conveyed by Form FX4.

Again, on some roads certain kinds of traffic are handled by different officials and tariffs covering such traffic are also published by these different officials. For example, some roads have traffic managers or general

freight agents who have charge of coal traffic. In such instances it is desirable to issue two concurrences running to such road, one for use by the traffic official who has charge of general traffic and also one for use by the traffic official who has charge of coal traffic. In such cases, as Form FX3 may not be qualified, it is necessary for the concurring carrier to issue Form FX4 to the official who has charge of general traffic, reading identically the same as an ordinary FX3 except that it would exclude coal traffic. Form FX4 would also be issued by the same road running to the issuing carrier for use by the official who has charge of the coal traffic and this concurrence would be qualified to apply only on coal traffic; that is, it would read "applying on coal traffic to points on or via" the road issuing the concurrence.

FX4 concurrences are also used universally in connection with the publication of fast freight line billing instructions or so-called "guide books" (Rule 15a). For example, one carrier can appoint an agent by power of attorney to issue its billing instructions and each of the other interested carriers may issue concurrence Form FX4 running to the carrier which has issued the power of attorney, conveying authority to publish billing instructions which shall apply in connection with rates from points on the carrier issuing such FX4 form of concurrence.

This same concurrence, however, may be granted by the execution of Forms FX2 or FX5. However, Form FX4 is the one universally used.

It should be borne in mind, in connection with the billing instructions issued by the agent duly appointed by one carrier, that while concurrences in Forms FX2, FX4, or FX5 must be executed by those carriers whose lines will be included as originating lines in such billing instructions, those lines whose points will be the destination points in the billing instructions must concur to the

power-of-attorney line by the use of concurrences in Forms FX2, FX3, or FX4 (Rule 15a).

Form FX5

This form of concurrence is another iron-clad form; that is, no qualifications whatever may be made in it. It is considerably broader than Form FX3 in that it conveys authority to publish rates from points on the line of the executing carrier as well as to points thereon and via such road. To this extent, it is similar to Form FX4, but no qualification is permitted in this form as to the kind of traffic covered.

This form, like FX3 and FX4, is to be used only by one carrier in conveying authority or concurrence to another carrier.

CONCURRENCES RUNNING TO AGENTS ONLY

We have already learned that in the original concurrence forms the Commission did not differentiate between those running to another carrier and those running to an agent. There were several reasons why this sort of procedure was found unsatisfactory.

When the concurrence forms were revised by the Commission, those to be used in concurring to an agent were Forms FX6, FX7, and FX8.

Form FX6

This form of concurrence, running to a duly appointed agent, is identically the same as Form FX3, running from one carrier to another, except that the issuing carrier assents to, and concurs in, the publication and filing of any freight rate, schedule, or supplement thereto, which the agent to whom the various lines have given power

of attorney may issue. On this form, therefore, the agent inserts every road which has given him power of attorney and for which he expects to issue tariffs applying from points on such roads.

This form, like FX3, may not be qualified.

Form FX7

This form, running to an agent, conforms with concurrence FX5, running from one railroad to another, and is in identically the same form except that in the place of the railroad in whose favor it is issued is shown a full list of the railroads who have appointed him their agent by power of attorney.

Form FX8

This form for the agent takes the place of Form FX4, running from one individual carrier to another, and may be qualified in identically the same manner as Form FX4.

A list of the carriers which have executed powers of attorney in favor of the agent is shown in the same manner as in Forms FX6 and FX7.

CHARACTERISTICS OF CONCURRENCES

The characteristics of various concurrence forms may be summed up as follows:

1. Form FX2 runs to a carrier or to an agent. Forms FX3, FX4, and FX5 run from one carrier to another. Forms FX6, FX7, and FX8 run from a carrier to an agent.

2. Forms FX3 and FX6 confer authority to publish and file rates to points on and via the lines of the issuing carriers, but not from points on the lines of such concurring carriers.

3. Forms FX5 and FX7 confer authority to publish and file rates to and from points on the line of the concurring carrier and via its line.

4. Forms FX3, FX5, FX6, and FX7 are not to be modified.

5. Forms FX4 and FX8 may be changed to fit the circumstances governing the concurring carrier. In other words, they may be qualified to cover certain traffic or to authorize a railroad or an agent to publish rates to points on the concurring carrier's line, from the concurring carrier's line, or via the concurring carrier's line. The Commission, however, indicates very clearly that it desires the so-called iron-clad form of concurrence used whenever possible; in other words, Forms FX4 and FX8 are to be used only when none of the other forms provided covers the actual necessities of the concurring carrier.

GENERAL RULES RELATING TO CONCURRENCES

Unlike a power of attorney or tariff, both of which may be changed on thirty days' notice to the Commission, concurrences may be changed only upon sixty days' notice, so far as concerns revocation or contraction of application. For example, suppose that one road issues an FX3 concurrence running to another carrier applying on all classes of traffic and that it desires to restrict the application of this concurrence so that it will not apply on lumber and forest products. To do this, it is necessary to issue a concurrence in Form FX4, cancelling the former FX3 concurrence, which will cover the publication of rates applying to and via the line and include all traffic except lumber and forest products.

In order to make this contraction in application, sixty days' notice must be given (Rule 26b).

Changes in Concurrence

A change in a tariff is effective when, and only when, the tariff as filed and posted is changed. Hence, when a concurrence is revoked or its scope is curtailed, the public has no means of being advised of this fact except through the publication of a corrected tariff or by a supplement to the tariff affected. Hence, the Commission has very wisely provided that sixty days' notice must be given when any concurrence is revoked or its scope curtailed in order that the line to which such concurrence runs may have ample time to publish the necessary correction to its tariff, thus giving the commercial public necessary notice of the change in the application of the rates.

The Commission has further ruled that when a change of the character mentioned above is made in a concurrence, and the line to which such concurrence runs fails to make the necessary change in its tariff, it shall be responsible to the concurring carrier for the difference in charges under the tariff as it reads and as it would have read if it had been corrected in accordance with the revised concurrence. Furthermore, shippers are entitled, under such conditions, to have their shipments moved as provided in the tariff as issued rather than as it would be if corrected to conform to the revised concurrence. The foregoing rules apply alike to concurrences running to joint agents and to those running to individual carriers (Rule 26b).

Concurrences in Tariffs Applying to or from Mexico and Canada

In connection with tariffs which name rates from points in the United States to points in Mexico or Canada and from points in Mexico or Canada to points in the United States, or again, from points in Mexico

through the United States to points in Canada and vice versa, or between points in Canada where a portion of the movement is through the United States, a list of concurring carriers and concurrences from such carriers is required, the same as in tariffs which are applicable between points in the United States, or from points in the United States through Canada to points in the United States.

As a penalty for failure to comply with this requirement, the Commission's Rule 72 of Tariff Circular No. 18-A provides that a statement of the division of the rates accruing to the roads in the United States to or from the border, must be incorporated in the tariff, or filed with the Commission together with or at the same time the tariff is filed.

Transfers of Concurrence

Considerable trouble was formerly encountered when, for some reason or other, issuing carriers appointed one agent to succeed another, because it has been found hard to impress upon concurring carriers the necessity for promptly reissuing their concurrences to run to the new agent, effective on a date set. In some instances where carriers were delinquent in reissuing their concurrences, it has been found necessary to carry two sets of concurring carriers, one running to the new agent and the other running to the old agent.

To assist the agents operating under powers of attorney, the Commission has provided for a transfer of concurrence in cases where the same principals that appointed the former agent will be served by the new agent.

Under such authority, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent by issuing and filing for each of such concurrences a transfer

notice, stating that the concurrence, naming the former agent, will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers. The form to be used is set forth on page 9 of Supplement No. 3 to Tariff Circular No. 18-A.

It has probably been observed that, unlike powers of attorney, which must be executed by a corporate official, all concurrences and transfer notices may be executed by the party who has charge of the publication of tariffs for the road issuing such concurrences or transfer notices. That is, they may be signed by a freight traffic manager, assistant freight traffic manager, general freight agent, assistant general freight agent, or chief of tariff bureau, as the case may require.

Printing and Size

All concurrences and transfer notices must be printed or typewritten on hard-calendered paper, 8 by 10½ inches in size.

Copies Required

When Form FX2 is used, three copies should be issued, the original and duplicate to be forwarded either to the line or to the agent to which such concurrence runs and the third copy, or triplicate, to be retained in the issuing carrier's file. The road or the agent to which such concurrence runs will in turn forward the original, with the tariff covered, to the Interstate Commerce Commission and retain the duplicate in his file for his record.

Distribution

Forms FX3, FX4, and FX5 should be issued in triplicate. The original should be mailed by the issuing carrier direct to the Interstate Commerce Commission and the duplicate should be mailed to the carrier in favor of which such concurrence is issued.

Forms FX6, FX7, and FX8 should be issued in triplicate, the original to be sent to the Interstate Commerce Commission, the duplicate mailed to the agent to which such concurrence runs, and the triplicate retained for the issuing carrier's files. In case each of the carriers which has given the agent power of attorney does not, in such power of attorney, provide that the agent has authority to receive concurrences for it, the parties issuing concurrences in Forms FX6, FX7, and FX8 are obligated to send a copy of such concurrence to every line for which the agent acts under power of attorney. This will clearly demonstrate the desirability on the part of each railroad, when executing power of attorney in favor of an agent, to take advantage of the omission of cross-exchange of concurrences as permitted by the use of the words "for it jointly with other carriers" instead of "for it alone," as provided for in Rule 18.

Subsidiary Lines

In many instances small or subsidiary lines do not wish to be put to the expense of issuing concurrences in tariffs applying to points on their line. In such cases they may give to the parent or another line power of attorney to concur in tariffs. Form FX1 is to be used in such instances, modified by striking out from line 6 the word "file" and substituting therefor the words "to give and receive concurrences in."

On the other hand, so far as concerns rates from points on such subsidiary and small lines, they may give to the parent or another line authority to publish such rates by Form FX4 or FX5 (Rule 26b).

MODIFICATION OF POWERS OF ATTORNEY

In executing a power of attorney, the issuing road is privileged to make any modification it may desire in the actual wording thereof. For example, it is permitted, if

so desired, to strike out from line 6 the word "tariffs," or it may eliminate from line 7 the words "and exception sheets." Again, it may be issued to cover a particular line of traffic; for instance, it may be qualified to apply only on lumber and forest products or on coal and coke, etc. (Rule 16c).

As an aid to agents operating under powers of attorney and also to the railroads granting such powers of attorney, in cases where an agent or attorney for certain lines joins with the agent or attorney for other lines in another territory in the issuance of tariffs naming through joint rates from points in one territory to points located in another territory, the Commission has provided that if the agents act under powers of attorney which contain the words "for it jointly with other carriers," the cross-exchange of concurrences may be dispensed with as between the roads represented on the one hand by one agent and those represented on the other hand by the other agent.

This authority is a great convenience and has been taken advantage of very extensively in connection with joint tariffs published by agents Morris and Leland and in connection with tariffs published jointly by agents Countiss, Morris, and McCain. There are many other instances of like character, but these cases are cited merely as examples of actual practice.

CHAPTER VII

THE LONG-AND-SHORT-HAUL CLAUSE FROM A TARIFF PUBLISHER'S VIEW

STATUTORY REQUIREMENTS

Section 4 of the Act to Regulate Commerce as amended on June 18, 1910, reads, in part, as follows:

That it shall be unlawful for any common carrier subject to the provisions of this Act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the intermediate rates subject to the provisions of this Act.

The original law, which became effective on April 5, 1887, also contained a long-and-short-haul clause. At that time the carriers made an attempt to take care of the long-and-short-haul-clause feature by including in their tariffs a clause reading as follows:

Higher rates will not be charged for a shorter than for a longer distance over the same line, the shorter being wholly included within the longer distance.

This clause, it will be observed, reads practically the same as a part of the present fourth section.

The carriers, in publishing their rates under the original law, at first conformed strictly to the law. For example, in publishing class rates, let us say, to a certain point, via a circuitous route, the rates via the short or direct line to the common point or points were not met

by the long route. In other words, to this common point the rates of circuitous routes would be those applicable to the intermediate points taking higher rates. There could be but one result from this procedure and that was, generally speaking, that the traffic for the common point moved over the short or direct line.

This situation was continued until 1896, although it is only fair to say that the circuitous routes did not, in all cases, forego the handling of traffic to a common point reached by a more direct line. Where there was any considerable movement of traffic, the circuitous route, in order to meet the class rate of the direct line, issued a commodity rate applying via its road which was identically the same as the class rate via the direct route.

At the time that the Act to Regulate Commerce was first made effective, tariffs providing for commodity rates covered but very few destination points, and later all these tariffs bore the long-and-short-haul clause which has just been cited. This resulted in permitting the circuitous route to meet the short-line rate in practically all cases so far as concerned traffic moving under commodity rates.

This situation, comparing class rates with specific commodity rates, created a very unnatural condition. After 1896 the carriers gradually commenced to ignore, in a sense, the long-and-short-haul clause of the Act to Regulate Commerce. The circuitous routes met the rates published to common points by the direct lines, on both class and commodity rates, but at the same time held up to the higher basis the rates to local stations where there was no necessity for reducing them to the lower plane of the direct-line rates. This procedure really placed no hardship on the commercial public. In fact, it resulted in an advantage to the shipper and consignee by making available the choice of more than one route. In many instances, on account of advantageous deliveries of the

circuitous route, it was much more satisfactory to the consignee to have the consignor forward his freight via the circuitous route.

There is no intention to make an analysis of this question in this treatise or to advance any argument either in favor of, or against, the practice which was universally adopted by the carriers, but the foregoing explanation is made in order that the development of the present rate adjustments may be more fully understood.

PETITIONS FOR RELIEF

With the amendment of the Act on June 18, 1910, the Interstate Commerce Commission was granted much broader powers than it had possessed prior to that time. As there was considerable discussion in Congress, at the time the Act was being considered, as to the application of the fourth section or the so-called long-and-short-haul clause, it devolved upon the Commission to take action regarding the rates via the circuitous routes versus those via the direct lines. It was apparent, of course, that if the fourth section was strictly complied with, it would mean vast reductions in the rates then in effect, or circuitous routes would be forced to discontinue handling traffic between points where they were at a disadvantage as to distance.

These reductions seemed unnecessary and yet the commerce of the country had adjusted itself to the use of all available routes, both direct and circuitous. Hence, as the Commission was unable to make an analysis of every case where the long-and-short-haul clause was not complied with in the tariffs published by the various carriers, as a temporary measure to continue the free movement of traffic, an order was made under which every carrier was asked, in fact ordered, to file petitions with the Interstate Commerce Commission for relief from the applica-

tion of the fourth section, in every case where the rates then in effect did not conform strictly thereto.

This order placed upon the carriers the stupendous task of working up petitions to cover instances where their rates did not conform to the fourth section. It was found simply impossible to treat every individual case in the time which was granted by the Commission to do the work. Hence, the railroads appointed various agents to prepare blanket applications to the Interstate Commerce Commission for authority to continue the existing adjustment of rates.

For example, Mr. J. F. Tucker, at that time Chairman of the Central Freight Association, was appointed agent, by the roads in Central Freight Association Territory, to file the applications covering the rates published by such roads. These applications were to protect not only the rates applying between points in Central Freight Association Territory, but also the rates published to points in other territories where through tariffs were in effect.

After considerable work, Mr. Tucker filed twenty-three petitions to cover tariffs published by him and other agents under power of attorney and also those published individually by the lines in Central Freight Association Territory.

In addition to these petitions filed for the Central Freight Association lines, there were also a number of joint petitions prepared by Mr. Tucker and agents in other territories to cover such rates as those applying from points in Central Freight Association Territory to Southwestern Tariff Committee Territory and to Trans-Continental Freight Bureau Territory.

Even this plan of appointing an agent to prepare blanket petitions, while it greatly reduced the number of petitions filed with the Commission, did not simplify the work as much as might be expected. Up to the present time, several thousand of such petitions have been filed

with the Interstate Commerce Commission and but very few of them have yet been passed upon by that body.

With the filing of these petitions for relief from the provisions of the fourth section, the publication of rates came practically to a standstill. The carriers felt that they could not even make the changes which were necessary from time to time in order to enable the expeditious movement of property. As this caused no end of complaint from the shipping public, the Commission concluded that some relief would be necessary until it would be able to pass on the various petitions.

From the information previously stated as to the number of petitions which had been filed up to this time, the stupendous job which confronted and still confronts the Commission in passing upon these various petitions will be readily understood. Therefore, in order to enable the carriers to publish such rates as would permit the free movement of traffic, a number of so-called fourth-section orders were promulgated, all of which were consolidated into one order on the third of February, 1914, in Fourth-Section Order No. 3700, known as General Order No. 13.¹

This order provides, until such time as the Commission passes upon petitions covering tariffs which were in effect prior to February 17, 1911 (the final date which the Commission set as that on which all petitions for relief from the fourth section must be filed), that changes may be made in rates and fares which occur in the ordinary course of business which would entail continuing higher rates at intermediate points and through rates or fares higher than the combination of intermediate rates or fares. It clearly states that when the Commission passes upon any petition for relief from provisions of the fourth section, the authority granted by Fourth-Section Order No. 3700 will be automatically canceled.

¹ This order will be found reproduced in full on pages 154 to 157, inclusive.

GENERAL ORDER No. 13


As to, and confined in all cases to, rates which are included in petitions for relief from the fourth section, the order permits carriers to make changes in such rates under the following conditions, even though the discrimination against intermediate points is increased:

1. A through rate which is in excess of the aggregate of the intermediate rates lawfully published and filed with the Commission may be reduced to equal the sum of the intermediate rates. Even though this procedure may result in higher rates from or to intermediate points, where a combination of locals is not available it is proper to publish as a through rate such combination of locals without reducing to the same level all the rates from and to all intermediate points. Such reduced rates may be established by all routes operating between the points involved.

2. When such a reduction is made in rates between two points, all the points which ordinarily take the same rates may be similarly reduced, that is, all points in the same rate groups.

3. A longer line or route may reduce the rates in effect between the same points or groups of points, to meet the rates of a shorter line, even though the current rates via either line do not conform to the fourth section of the Act, under the following circumstances: (a) where the longer line desires to meet a reduction in rates initiated by the shorter line; (b) where the longer line has not at any time met the rates of the shorter line.

4. A newly constructed line may publish rates from and to its junction points on the same level as those of other roads. At the same time the rates from and to its local stations can be made in harmony with those from and to the junction points but need not be held down to



the level of the direct-line rates from and to the junction points.

5. Where carriers publish rates between certain points which do not conform to the provisions of the fourth section at intermediate points, for the purpose of meeting the competition of water or rail-and-water carriers between the same points, they may make such further reductions in their rates as are necessary to meet any reductions made by the water or rail-and-water lines.

6. Where there are no through rates in effect via various routes or gateways between two points and the combination of lawfully published and filed rates via one gateway makes less than the combinations via other gateways, rates may be published on the basis of the combination via the gateway through which the lowest combination can be made, and such rates made applicable via all gateways.

Fourth-Section Order No. 3700 gave the carriers a great measure of relief, but it did not obviate in every respect the various problems which confronted the compilers of tariffs because it did not give carriers authority to increase the discrimination at intermediate points when new rates were established.

RULE 77

In the case of tariffs providing for class rates, no particular trouble was encountered, because, as there was likely to be a movement of traffic between any and all points, all points of origin as well as all points of destination were included in these tariffs.

In the case of tariffs naming commodity rates, however, the situation was entirely different, because in many cases there was a movement of traffic between only a few points. In other words, at many small points there would be no demand whatever for a certain class of freight and

therefore there would never be a demand for the same commodity rates as were necessary to larger cities or consuming points.

At the same time, in establishing new commodity rates between important centers, if similar rates were not published from and to the intermediate stations, the discrimination at such intermediate points would be increased unless rates were published to every intermediate destination and from every intermediate point of origin, as in the case of class-rate tariffs. As has been explained, there would probably never be a movement of the traffic involved from certain of the intermediate points and to certain of the intermediate destinations. Hence, to publish commodity rates from and to every intermediate point would entail upon the carrier a great and entirely needless expense.

Very naturally, the Commission early became cognizant of this fact, as will be observed from Rule 77 in Supplement No. 4 to Tariff Circular No. 18-A. This rule points out that "if tariffs containing commodity rates applicable from points of production provide for their application from intermediate points not named, it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named" in the tariff. Furthermore, "if such tariffs do not provide for application from intermediate points, they would conflict with the amended fourth section of the Act whenever the class rate or a combination from an intermediate point exceeds the commodity rate from a more distant point."

This rule goes on to state that "ordinarily, rates to intermediate points of destination not named in the tariff can properly and should be provided for by a clause in the tariff authorizing the application of its rates to intermediate points of destination, but there may be instances where the intermediate application of rates is

impracticable or where conflicting rates would result from the establishment of such intermediate application." In addition to the condition mentioned above, it is very clear that "tariffs should not contain volumes of unnecessary rates, and it is undesirable to require the posting of large numbers of tariffs at points from which no shipments are likely to move." Hence, the Commission, through Rule 77, extended to the carriers the privilege of publishing commodity tariffs naming rates from and to points of production and consumption only, such tariffs to bear a clause on the title-page as shown on page 5 of Supplement No. 4 to Tariff Circular No. 18-A.

Rule 77 received the very careful consideration of all railroads throughout the United States. This consideration by the carriers in Central Freight Association Territory resulted in the conclusion that so far as concerned points of destination, it was advisable to cover this feature by a long-and-short-haul clause, but as to intermediate points of production, the use of Rule 77 was an ideal way in which to overcome the publication of rates which would never be used.

The clauses finally decided upon by Central Freight Association lines to appear on the title-page of tariffs which do not name rates from all points intermediate to the origin points therein, are as follows:

1. By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff (these rates) is not (are not) made applicable from (or to) all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect from (or to) more distant points will, under authority granted by the Interstate Commerce Commission, be established from (or to) any intermediate point hereunder upon one day's notice to the Commission and to the public.

2. By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, these rates are not made applicable from all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect and specifically published in this tariff from the next more distant

point *on the same railroad*, except when the rates from the more distant point shown herein bear reference mark (*), will, under authority granted by the Interstate Commerce Commission, be established from any intermediate point hereunder upon one day's notice to the Commission and to the public.

3. By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, these rates are not made applicable from all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect and specifically published in this tariff from the next more distant point *on the same railroad*, except when the rates from the more distant point are named in Items, will, under authority granted by the Interstate Commerce Commission, be established from any intermediate point hereunder upon one day's notice to the Commission and to the public.

The three clauses are available for use at the option of each individual carrier, as circumstances may require. The first clause is specific in that no exceptions whatever are made; the second clause provides an exception where the rates are marked with an asterisk or other character, and this clause as well as the third are used in such tariffs as contain rates which are made to meet competition of short lines.

All three of these clauses may be changed to cover intermediate points of destination if the initial carrier so elects. The words "on the same railroad" may be omitted if desired, but most carriers consider it inadvisable to do so because without this safeguard the use of Rule 77 by an initial carrier might force the establishment of rates from points on the line of another carrier.

Suppose that a rate was published from St. Louis to Pittsburgh via Indianapolis and that the traffic was handled from St. Louis to Indianapolis by the Vandalia Railroad. This rate could not under any circumstances be used as authority for reducing the rate from some point east of Indianapolis, where the class rate might provide a higher basis on the particular commodity involved, if the clause on the title-page contained the words "on the same railroad."

There are many cases in which it is not necessary to take advantage of Rule 77 of Tariff Circular No. 18-A. In such cases many carriers use the following rule, inserting same under the caption "Application of Rates":

On traffic having the point of origin in one state and the point of destination in another and on traffic having both the point of origin and destination in the same state but which passes through two or more states in reaching the final destination, the following will govern to intermediate points:

Unless otherwise provided herein, the rates to intermediate points not shown in this tariff will be the same as to the next more distant point named in this tariff.

The following will govern from intermediate points:

Unless otherwise provided herein, the rates from intermediate points on the (here is inserted the name of the road issuing the tariff) not shown in this tariff will be the same as from the next more distant station named in this tariff.

When this clause is used, in case rates are named from or to certain points and it is not desired to apply them from or to intermediate stations, the particular rates may bear reference marks and a statement may be made to the effect that they will not apply from or to intermediate points, as the case may be.

The use of Rule 77 or a long-and-short-haul clause in tariffs requires the greatest of care and discrimination on the part of the compiler and necessitates a detailed analysis of the conditions at the intermediate points and of the character of the commodity on which rates are being published.

Different situations as to the application of the fourth section in tariff compilation are constantly presenting themselves and hence they may not be definitely mentioned in a treatise of this character. However, the foregoing should give a foundation on which to build a broad and thorough knowledge of the subject when the actual problems are encountered.

CHAPTER VIII

DIFFERENT FORMS AND KINDS OF TARIFFS REQUIRED FOR THE TRANSPORTATION OF INTERSTATE COMMERCE

Properly speaking, all issues which must be published and filed, based on requirements of the Act to Regulate Commerce, are designated as tariffs, but by a proper analysis of the various issues, they may be divided up under the following heads:

- (1) Classifications and Exceptions to Classifications.
- (2) Freight Tariffs.
- (3) Bases for Rates.
- (4) Territorial Directories.
- (5) Station Lists.

CLASSIFICATIONS AND EXCEPTIONS

As has already been observed,¹ there are three general classifications applying throughout the United States, namely, Official Classification, Southern Classification, and Western Classification. In addition to these three, there is another classification, known as the Canadian, which applies in some instances in connection with rates from points in the United States to those in Canada.

These classifications are invariably issued by an agent, acting under power of attorney from the issuing carriers.

When exceptions to these classifications, however, are taken into account, the procedure is somewhat different,

¹ See treatise on *Freight Classification*.

because some of them are issued by an agent under power of attorney while others are issued by the individual roads. For example, Eugene Morris publishes exceptions to the Official Classification for a large number of the roads operating in Central Freight Association Territory, but at the same time, the same exceptions are also published individually by a number of the larger railroads. For instance, the following roads, located in Central Freight Association Territory, publish their own exceptions: Baltimore & Ohio Railroad, Erie Railroad, Pennsylvania Lines West of Pittsburgh, Grand Trunk Railway, Pere Marquette Railroad, New York, Chicago & St. Louis Railroad, and a few others. On the other hand, exceptions to the Official Classification for roads operating in Trunk Line Association and New England Freight Association territories, are invariably issued by the individual lines.

Exceptions to the Western Classification are issued for roads operating in Western Trunk Line Committee Territory by E. B. Boyd, agent, and those operating in territory other than that under the jurisdiction of Mr. Boyd, by other agents and by the individual roads themselves. On the other hand, exceptions to the Southern Classification are to a great extent incorporated in said classification itself.

FREIGHT TARIFFS

Freight tariffs may be said to be divided into these four kinds:

- (1) Those naming rates.
- (2) Those containing rules governing car service and storage.
- (3) Those containing switching charges and rules governing the absorption of switching charges.
- (4) Special privilege tariffs.

(a) Freight Rate Tariffs

Freight rate tariffs are those which actually name rates. They consist of two kinds:

(1) Local tariffs—those which name rates between stations on the roads issuing such tariffs only.

(2) Joint tariffs—those which contain rates from stations on the issuing road to those on other roads. Frequently, joint rates apply *between*, that is, from stations on foreign roads to those of issuing carrier, as well as in the opposite direction.

Again, both local and joint tariffs may also be proportional tariffs, that is, tariffs which contain rates to be used in connection with other rates in arriving at through charges.

Local, joint, and proportional tariffs may contain rates of the following character:

- (1) Class rates.
- (2) Class and commodity rates.
- (3) Commodity rates.

(b) Car Service and Demurrage Tariffs

Where cars are unduly delayed by shippers or consignees in loading or unloading, very properly a charge is made for such delay beyond a reasonable time and while generally speaking the charge for such delay is one dollar per car per day or fraction thereof beyond forty-eight hours, there are many exceptions to this charge and the assessment of same is subject to a great many conditions. Hence, it is necessary to outline clearly all of the rules dealing with the demurrage or car service.

Less-than-carload freight is very often delayed in the freight house of the carriers for a period far beyond

what it should be and charges are made against the owners of the property for such delay. These charges and all of the rules and regulations surrounding the assessment of same are published in tariffs known as storage tariffs.

A general code of rules governing storage has been agreed upon as between the commercial public and the Interstate Commerce Commission and these rules have been quite generally published by the different railroad companies throughout the United States, although there is some variation as to the charge for storage and also the actual free time which is allowed before storage commences.²

(c) Switching and Switching Absorption Tariffs

It is a very general practice throughout the United States for one carrier to open up certain industries, and sometimes its team tracks, for the delivery or forwarding of freight in connection with other lines. Of course where this is done, very properly a charge is made for this service. Such charges are published in switching tariffs.

In some cases, the charge made for switching is so great on account of the service performed that the road-haul carrier, that is, the road which actually hauls the freight from point of origin or to destination, is not able to absorb the entire charge for switching without depleting its own revenue and in fact many times hauling the traffic for little or nothing. Hence, in order that the commercial public may, at all times, know just what the charges are to be for the transportation and delivery of traffic, tariffs are published announcing just what amount for switching will be absorbed out of the joint through rates.

² See treatise, *Demurrage and Car Efficiency*.

The tariffs which give this information are known as switching absorption tariffs. Very frequently the absorption rules are included in the switching tariffs themselves.

(d) Special Privilege Tariffs

In addition to the actual transportation of freight traffic, the carriers in many cases grant special privileges to the shipper or consignee under which shipments may be stopped in transit for diversion to another point, or they may be stopped in transit for the purpose of furthering or completing the process of manufacture and, of course, the shipping public must at all times be advised of any privileges of this character to which they are entitled. These privileges are therefore published in tariffs which are commonly called special privilege tariffs. There are many kinds of privileges granted and, for convenience in becoming familiar with them, they have been classified under the following subheads:

(1) *Diversion or Reconsignment Rules.*—In many instances it is found necessary to divert or reconsign carload traffic for the reason that after a shipment has been started to its intended destination, the consignee may cancel the order, which makes it necessary for the shipper to find some other market for the property, and in order to expedite this procedure and at the same time prevent any undue loss to the shipper, the railroad companies, under certain circumstances, permit a change in destination and consignee.

(2) *Grain Doors.*—For many years the railroad companies have furnished grain doors, that is, material to fill up the apertures at the car doors when they are loaded with bulk freight. This arrangement has been restricted to quite an extent to cars loaded with bulk grain and, as it represents something due the owners of

the property, the rules governing the furnishing of such grain doors must of course be incorporated in tariffs.

(3) *Transferring Grain Through Elevators.*—It is frequently necessary for various reasons to transfer bulk grain from one car to another. This is usually done through a grain elevator because it can be done in this way much cheaper than by any other means. This is one of the special privileges which is incorporated in tariffs under the main caption above.

(4) *Transit Arrangements.*—By far the largest number of special privileges come under the head of transit arrangements. Such arrangements cover the following privileges:³

- (1) Cleaning of grain, peas, beans, etc., in transit.
- (2) Creosoting of lumber, etc., in transit.
- (3) Fabrication of iron and steel in transit.
- (4) Milling of grain in transit.
- (5) Mixing of seed in transit.
- (6) Refining of oil in transit.
- (7) Shelling of corn in transit.
- (8) Smelting of ore in transit.
- (9) Storage and reconsignment of freight in transit.
- (10) Track grain, that is, reconsignment or diversion of grain in cars held on tracks of the railroad companies.

(5) *Trap or Ferry Cars.*—In many instances, for the convenience not only of the railroad company but of the shipper as well, shippers are permitted to load a number of less-than-carload shipments in a car placed on their side track or at their factory, and these cars are then switched to the freight houses and the freight properly distributed into cars running to the various destinations.

This privilege is of course only granted under certain circumstances, subject to certain minimum weights and,

³ See treatise, *A Primary Lesson in Transit.*

in some instances, to certain minimum freight charges. All of the rules and regulations governing the arrangement must be published in tariffs.

(6) *Icing and Refrigeration Rules.*—In many instances the carriers ice and re-ice cars for the accommodation of property requiring such service and that the public may know what the charges will be, it is required that tariffs setting forth this information be posted and filed with the Commission.

(7) *Pick-up Cars.*—Pick-up cars are cars into which are loaded dairy products “picked up” at various stations while the car is enroute.

(8) *Pedlar Cars.*—These cars are loaded with fresh meat to be delivered at various stations. The usual arrangement is that the freight for each station is unloaded without removing the car from the freight train, although sometimes it is necessary to set off the car. In such instances, however, a special charge is made for the service.

(9) *Weight Agreements.*—In many cases, when freight is shipped in packages of fixed size, it is not convenient to weigh the shipments. Agreements are therefore entered into between the shippers and the railroad companies, under which such shipments are accepted at an estimated weight per package. All agreements of this kind must be filed with the Interstate Commerce Commission; hence, they are included in tariffs under the caption of special privileges.

(10) *Weighing or Reweighing Cars at the Request of Shipper or Consignee.*—In many instances, for various reasons, a shipper or consignee may desire the carriers to reweigh a car which has already been weighed. Of course in such cases it is proper to make a charge for this service. Furthermore, it often happens that after a car has been unloaded, the shipper desires the railroad companies to light-weigh the car, that is, weigh the car

empty. As every car has stenciled thereon the light or tare weight, so called, the railroad companies do not perform this service free of charge, and necessarily the charge for such service must be incorporated in a tariff.

BASES FOR RATES

For the purpose of economy, the carriers have found it advisable in many instances to publish rates to important or basing points only and take care of the other points in the same particular territory by means of tariffs naming bases for rates. These bases for rates take care of two general conditions, as follows:

(1) In order to expedite the handling of less-than-carload freight traffic, particularly, a number of lines joined together many years ago to inaugurate fast freight service. Such organizations are commonly called fast freight lines. This situation exists particularly in Central Freight Association and Trunk Line and New England Freight Association territories.

These fast freight lines have, for a number of years, published guide books or billing instructions in which are included the various points in Trunk Line and New England Freight Association territories, which take the same rates as the important basing points. These fast freight line guide books or billing instructions do not name any actual rates; hence, they are said to contain the bases for rates.

(2) Tariffs in Western Trunk Line Committee Territory have for a good many years been published by various roads, naming rates from Chicago, Peoria, etc., to western territory and the Chicago rates applied from points on a good many roads other than those which actually issue the rates. This application has been covered in specific tariff form, such issues containing what has been commonly called information as to the "application of rates."

TERRITORIAL DIRECTORIES

It has been observed that in many instances rates are made applicable from or to certain territories and in order to save expense by including actual description of such territories in the tariffs naming the rates, there has come into existence in a number of sections of the United States, issues which are known as territorial directories. These territorial directories are usually issued by an agent, and are therefore available for reference use by the various railroads which may publish individual rates. This results in a very great saving for the railroad companies. For instance, Agent Morris, in his Territorial Directory No. 3 series, gives a description of so-called Trans-Mississippi River Territory, which covers several pages in such territorial directory. There are several hundred tariffs which name rates to and from the Mississippi River applicable on trans-Mississippi River traffic, and unless there was a publication containing a general description of this territory, it would be necessary that the description be reproduced in every one of these different issues. This will demonstrate that not only is it a great saving to the railroad to incorporate this information in a common agency issue and make reference to such issue for necessary details, but it also insures an absolute uniformity of the description of Trans-Mississippi River Territory which might not result if such description was reproduced in every tariff containing proportional rates to and from the Mississippi River applicable on traffic destined to or originating west thereof.

STATION LISTS

It is common for each railroad to publish an issue which contains a complete list of its stations, together with their physical characteristics, that is to say,

whether the stations are open stations or prepaid stations and whether they are in a position to handle both carload and less-than-carload freight or less-than-carload freight only. All of this information was formerly published in all tariffs which named rates to such stations, but considerable trouble was experienced in keeping such tariffs corrected to show the actual changes in station names and character of stations. It was finally concluded to issue a consolidated station list which resulted in the joint agency publication of F. A. Leland and Eugene Morris. The actual compilation work is done in the office of Mr. Leland, Southwestern Tariff Committee, St. Louis, Missouri.

This station list is issued periodically and supplements to it are issued twice each month. The supplements show all changes in the names of stations, as well as the character of same, which are reported by the various railroads. This station list is in turn referred to in the various tariffs of the railroads, by carrying a clause therein indicating that those interested should refer to such station list for information as to the character of stations. As every effort is made to keep the list up to date, the conditions are very much more satisfactory than they were when each individual road attempted to make current changes in its tariffs.

All of the foregoing issues may be divided into two classes:

- (1) Those in which lists of concurring carriers must be shown.
- (2) Those which do not require lists of concurring carriers.

In considering these subdivisions, it should be kept in mind that those tariffs which name local rates require of course no list of concurring carriers.

As concerns the class of tariffs designated as those containing special privileges, these privileges may only

be granted by the road which has possession of the property when such special privileges are taken advantage of and, with certain exceptions, other roads are in no way interested therein. Hence, no list of concurring carriers is required, because the through rates are in no way affected. However, when it comes to granting the privilege of diverting or reconsigning in transit, all carriers participating in the through joint rate on which the traffic is handled, are interested, and in many instances the originating lines provide in their tariffs naming the through joint rates, that no reconsigning or diverting privileges will be allowed thereunder which result in changing the revenue of the issuing carrier. So long as it is necessary under the heading of "Rules and Regulations" in every tariff to announce the special privileges which may be granted thereunder, no list of concurring carriers is required in tariffs which provide diversion or reconsignment rules, because the issuing carrier at all times has the option of stating whether or not traffic handled under the through rates named in its tariffs may be diverted or reconsigned in transit.

DIFFERENT FORMS OF TARIFFS

Tariff Circular No. 18-A permits the publication of rates in tariffs of the following forms:

- (1) One sheet tariffs.
- (2) Pamphlet tariffs.
- (3) Book tariffs.

Book tariffs may either be bound or in loose-leaf form. Loose-leaf tariffs are explained in detail under the following caption.

KINDS OF TARIFFS

We have already observed the character of tariffs, that is, whether tariffs name local, joint, or proportional rates, or whether they contain special privileges,

etc.; also the different forms in which they may be arranged. Hence, it follows that we should now consider the different kinds of tariffs, that is, how the rates are actually arranged or how they are arrived at. This information may be divided in the following sub-heads, each of which will be treated in order:

- (1) Distance tariffs.
- (2) Combination of local rates.
- (3) Loose-leaf tariffs.
- (4) Rate basis tariffs.
- (5) Sectional tariffs.
- (6) Periodical tariffs.

(a) Distance Tariffs

Rule 25-g states that it is permissible for a carrier or two or more carriers to issue a tariff containing distance class rates, commodity rates, or both, for use in determining rates on their own line and that such rates may be used only when no other class rates or commodity rates are provided.

Tariffs which name distance rates must bear on the title-page one of the three clauses shown on page 25 of Tariff Circular No. 18-A, under Section (g) of Rule 10.

This authority presents practically the only instance where the Commission has given authority for the alternative use of rates in one or more tariffs, except that such authority has been temporarily granted in connection with certain tariffs published by the Transcontinental Freight Bureau.

The practice of publishing mileage rates is one not generally followed (at least so far as concerns joint rates). As a matter of fact, distance tariffs for local rates are not published to any considerable extent except in certain states where the state regulations prescribe what rates shall be charged for different distances.

(b) Combination of Locals

Section 4 of the Act not only provides "that it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property for a shorter than for a longer distance over the same line and in the same direction," but also "that it shall be unlawful for it to charge or receive any greater compensation than the aggregate of the intermediate rates." For example, suppose there is a joint through rate of 75¢ per one hundred pounds in effect on a certain commodity from Pittsburgh, Pa., to Minneapolis, Minn., and on the same commodity there is a rate of 30¢ from Pittsburgh, Pa., to Chicago, and one of 40¢ from Chicago to Minneapolis. Based on Section 4 of the Act, the through joint rate of 75¢ per one hundred pounds is an unlawful rate in that it exceeds the aggregate or combination of the intermediate local rates.

Prior to May 1, 1907, when the Commission first promulgated its rules covering the publication of freight tariffs, it was customary for the carriers to assess charges based on the combination of the local rates even though they, at the same time, published through joint rates in excess thereof.

Effective March 18, 1907, the Interstate Commerce Commission ruled as follows:

In every instance where there is a specific rate or fare from point of origin to point of destination, it must be applied to the through shipment or passengers regardless of possible lower combination.*

In view of the position of the Interstate Commerce Commission as set forth above, it was impossible for the carriers, under the conditions existing, to give the shipper or consignee the advantage of lower combina-

* Conference Rulings of the Interstate Commerce Commission.

tion of intermediate rates when they were less than the joint through rates, and it therefore became necessary to publish tariffs naming rates based on the combination of locals. Innumerable complaints were made by the shipping public because they were forced to pay charges based on through joint rates when they could secure lower aggregate charges by using the sum of the intermediate rates.

It was found absolutely impossible to locate all instances where the aggregate of intermediate rates was less than the joint through rates; hence all tariffs could not be immediately corrected. In order that such cases might be taken care of with as little delay as possible and thus prevent the placing of any undue hardships on shippers and consignees, the Interstate Commerce Commission on February 13, 1911, adopted a rule permitting carriers to establish combination rates on one day's notice to the Commission, provided the rates to be reduced had been in effect thirty days.

One of the requirements, however, which the carriers were obligated to carry out was the showing of reference to the tariff in which were to be found the local rates which were used in making up the combination rates.

It was also provided that a through rate based on the combination of intermediate rates and adopted by one route, established on one day's notice, might also be applied via other workable routes even though the same combination of local rates was not available.

Complete expression of the Commission with reference to the publication of combination rates will be found in Rule 66 of Tariff Circular No. 18-A.

(c) Loose-Leaf Tariffs

Rule 1 of Tariff Circular No. 18-A permits the publication of tariffs in loose-leaf form.

A literal description of the term "loose-leaf tariff" is a tariff which is not permanently bound together. In other words, each leaf is provided with uniform perforations, to conform with any loose-leaf binding device which may be decided upon by the issuing carrier. This permits any particular sheet or sheets to be removed and new ones substituted.

The loose-leaf method of preparing tariffs has many advantages over the old methods, particularly in the case of tariffs which contain a large number of pages. Under the loose-leaf plan, instead of being obliged to examine one, two, and sometimes three, supplements in which are many pages of matter covering changes and additions to the original tariff, there is but one place to look for the information desired and that is on the last effective revised page.

We have already observed that a tariff issued in loose-leaf form must bear in its title-page at the upper left-hand corner above the margin rule, statement to the effect that no supplement is to be issued to such tariff except for the purpose of canceling same and, further, in connection with such tariffs as provide for suspension and restoration of rail-and-water rates, the further exception that such tariff may not be supplemented except as provided for in rule governing the suspension and restoration of rail-and-water rates as authorized by Rule 12, Tariff Circular No. 18-A. (Rule 3-h.)

The foregoing requirement brings forcibly to mind the fact that all changes in or additions to a loose-leaf tariff must be taken care of by reprinting the page on which the desired change is to be made or by inserting a new page to take care of new matter.

In connection with this feature, Section (e) of Rule 9, Tariff Circular No. 18-A, provides that whenever a change is made on one page, both pages of the leaf must be reprinted. For example, a leaf in the original tariff

represents pages 49 and 50, and it is necessary to make a change in some rate, rule, or other feature shown on page 49. This entire leaf will therefore be reprinted, the necessary changes being made on page 49 and the matter on page 50 reproduced without change. The page which is not changed must bear notation at the top reading as follows: "No change in this page."

When a leaf is reprinted, each page must also bear at the top the following words: "First revised page ——" when it is first reissued, and "second revised page" when reissued the second time, and so on, and in each instance, the I. C. C. number of the tariff must be shown at the top. At the bottom of each revised page must be shown the date of issue and the effective date, together with the name, title, and address of the party by whom the tariff is issued.

The one objection to the loose-leaf form of issuing tariffs is failure on the part of those using them to file promptly the corrected pages in their proper place as soon as they become effective. Failure to do this often results in such pages being misplaced. Hence, the greatest of care must be exercised in taking care of the filing feature; otherwise, erroneous rates are apt to be arrived at. An effort to overcome this particular objection is covered by periodically issuing a so-called "check sheet" in connection with each loose-leaf tariff, giving a complete list of the pages throughout the tariff that are in effect, the idea being that those who have occasion to use such tariff, upon receipt of the check sheet, will carefully check same against the tariff, which check will develop whether or not it is up to date.

In some cases, lines have adopted the practice of giving an individual number to each corrected page and incorporate in the original tariff itself, a page with numbers running from 1 to 1,000, or whatever number they might decide upon. As fast as these corrected

sheets are received, the user of a tariff is supposed to check off on the checking page in the original tariff, the number which has been assigned to the corrected page. However, this number has nothing to do with the actual page number as used in the original tariff, as it is merely a means of obtaining a check to insure the receipt of all corrections. For example, suppose corrected sheets have been received up to 25. The checking page in the original tariff will show that these numbers have been received because they have been erased by pencil or other means, and sheet 27 is then received. This immediately shows that a corrected sheet which has been assigned 26 has been issued and, of course, application should be immediately made to the party issuing the tariff, for this corrected sheet.

(d) Rate Basis Tariffs

This form of issuing tariffs is most generally employed in connection with those which name class rates. The plan results, in such cases, in a very considerable reduction in the cost of printing because in place of showing six individual rates for the six classes in Official Classification Territory, it is only necessary to give reference to the rate basis number and then, for the actual rates, reference is made to the table which explains the rate bases, in which, after the rate basis number, is shown the actual six classes.

This plan has come into use very generally, particularly since the Commission has indicated that all percentages and multiples of class rates must be shown in each tariff naming rates of that character, which makes it a physical impossibility to show on one page, the points of origin and destination and, in addition to the six classes, the various multiples and percentages of these classes.

As stated before, tariffs published on the rate basis plan are in general use today but, as a matter of fact, they are not found to be quite as satisfactory as those in which the rates are shown with the points from and to which they apply, because it requires one more move to secure a rate in a tariff of this kind than in the former kind. For example, the user of such tariff must first find the location of the point of origin, turn to the index of destinations to find the location of the destination, and then refer to the page of the tariff on which the point of origin and point of destination appear, to determine what rate basis will apply. After this is done, instead of having at that time secured the rates as would be the case in old-style tariffs, it is necessary to make still another move to the rate basis table to determine what the actual rates are. However, in this period, when rates are changing so frequently, the cost of printing tariffs has assumed enormous proportions and, in the interest of economy, the rate basis tariff has been very extensively adopted.

(c) Sectional Tariffs

Section (b), Rule 7, Tariff Circular No. 18-A, authorizes the alternative use of class or commodity rates, provided such rates are included in different sections of one and the same tariff.

On the first page of each section there must be printed the following rule: "If the rates in Section of this tariff make a lower charge on any shipment than the rates in Section .. of this tariff, the rates in Section .. will be applied."

One feature in connection with the alternative use of class or commodity rates should be particularly kept in mind, that is, if a tariff contains both class and commodity rates and such rates are not printed in different

sections, the commodity rate is the only legal rate which may be used, even though the application of the class rate would result in lower through charges.

Another feature to be kept in mind is that no rates may be included in a tariff for alternative use except those which the issuing line or the issuing agent is authorized to publish and change. Rates issued by another carrier or agent may not be reproduced in the tariff of another carrier or agent for such alternative use.³

The sectional plan is in use in practically all sections of the United States but perhaps the following are the most typical examples.

(1) In the tariffs of roads located in Central Freight Association Territory naming rates to Trunk Line Territory are included, not only class and commodity rates applying on domestic shipments, but also rates of the same character applying on export shipments. In these tariffs, a double alternative feature is employed. For instance, the domestic class and commodity rates are placed in different sections and their alternative use properly provided for by use of the specified clauses. In addition to this feature, the export rates, both class and commodity, are likewise placed in different sections and their alternative use properly authorized. In addition to the alternative use of class versus commodity domestic rates and class versus commodity export rates, a provision is also carried in these tariffs for the alternative use of the domestic or export rates, whichever may be lower, as to traffic which is actually exported.

(2) An examination of the tariffs issued by F. A. Leland, agent, jointly with Eugene Morris, agent, will disclose another phase of authorized alternative use of

³ An exception has been made to this rule by the Commission in favor of Frisco System to cover its Tariff 2,800 Series, applying on lumber and forest products.

rates. These tariffs contain class rates and commodity rates and provision is made for the alternative use of three or four plans for arriving at rates.

(f) Periodical Tariffs

Periodical tariffs are those which state on the title-page that they will be issued periodically at specified times, the usual period which such tariffs are allowed to remain in effect being six months.

These periodical tariffs are principally issued by joint agents, the reason being that such tariffs contain a large number of rates and are usually of considerable size, and further, that many changes are made in such rates. The periodical plan gives the issuing agent the privilege of issuing as many pages of supplementary matter as may be necessary during the prescribed life of the tariff. The only provision as to supplements which must be complied with is that dealing with the number which may be in effect at any one time. This feature has already been discussed at some length in the chapter dealing with the issuance of supplements.

CHAPTER IX

REQUIREMENTS AS TO FILING AND POSTING TARIFFS

Filing tariffs means that process by which the tariffs, after they are compiled and printed, are forwarded to the Interstate Commerce Commission. Posting tariffs deals with the distribution of tariffs to the various stations from and to which they apply, and placing them in such manner in the stations at the points involved that they may be available for the use of the agent and also open to the inspection of the public.

FILING TARIFFS

Rule 13-A of Tariff Circular No. 18-A provides that all tariffs, classifications, and exception sheets, and supplements thereto, must be filed with the Interstate Commerce Commission, by the proper officer of the carrier or by the agent designated to perform that duty. The simple meaning of the foregoing is that all tariffs, etc., must be filed with the Interstate Commerce Commission by the party duly authorized to issue same.

No tariff or supplement will be accepted for filing unless it is delivered to the Commission, free from all charges or claims for postage. Tariffs must be in the Commission's hands so as to permit the required lapse of time before such tariff is to take effect. No consideration is given for failure of United States mails or express companies to deliver tariffs to the Interstate Commerce Commission so as to allow the proper lapse of time before they become effective. Hence, in setting

effective dates of tariffs, careful consideration should be given to the proposition of allowing ample time for transportation to the Commission. Furthermore, care should be exercised to see that the full amount of postage required is affixed to the envelopes in which tariffs are forwarded to the Commission, because delay on the part of the United States mails in transporting such envelopes on account of lack of postage, will not be considered by the Commission as an excuse for failure to comply with provision as to proper lapse of time between receipt of tariff at Washington and its effective date.¹

All tariffs that are filed with the Commission must be accompanied by a letter of transmittal on paper 8 by 10½ inches in size, form as shown in Rule 27.

It will be observed that the carrier is given the option of using a separate filing form with each schedule or of modifying the form so as to provide for the filing of a number of tariffs or supplements with one transmittal blank. In order that carriers may be sure that tariffs are received by the Commission, it is customary to send the transmittal forms in duplicate and the Commission then stamps the duplicate and returns it to the carrier as a receipt.

As a general proposition, it is considered advisable to send a separate transmittal blank with each tariff or supplement and each issue, in turn, in a separate envelope, on the outside of which is placed the transmittal number. The reason for this procedure is that sometimes errors are discovered in tariffs after they have been dispatched to the Commission and if carrier is able to give reference to the Post Office Department at Washington in such a manner that the package can be identified, it is possible to telegraph the Post Office at

¹ Rule 14-b; Rule 14-d.

Washington, through the postmaster at the forwarding point, to return the package without delivery to the Commission. Then, of course, the tariff or supplement can be reprinted with the necessary changes and re-forwarded to the Commission. It should be borne in mind, however, that no package can be returned by the Post Office at Washington unless the telegram requesting such return is forwarded by the postmaster at the point from which the package is sent.

POSTING TARIFFS

Prior to its amendment by the Hepburn Bill, the sixth section of the Act to Regulate Commerce, in connection with the publication of tariffs, provided, in part, as follows:

Such schedules * * * shall be posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight respectively are received for transportation, in such form that they shall be accessible to the public and can be continuously inspected.

It also provided that the joint tariffs of rates or fares covering continuous transportation over lines or routes operated by more than one carrier should be made public by the common carriers where so directed by the Commission in so far as in the judgment of the Commission it was deemed practicable; that the said Commission should, from time to time, prescribe the measure of publicity which should be given to such rates, fares, and charges, or to such part of them as it was practicable for such common carriers to publish and the places in which they shall be published.

The sixth section also contained the following:

If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such

common carriers shall, in addition to other penalties herein described, be subject to a writ of mandamus issued by any Circuit Court of the United States in the judicial district wherein the principal office of such common carrier is situated, or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic, or has an agent to perform such service; and such shall issue in the name of the people of the United States as to the relation of the commissioners appointed under the provisions of this Act; that the failure to comply with its requirement shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court in the United States, by writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several states and territories of the United States, between the United States and the adjacent foreign countries, or between ports of transshipment and of entry, and the several states and territories of the United States, as mentioned in the first paragraph of this Act until such common carriers shall have complied with the aforesaid provisions of this section of the Act.

Under these provisions of the Act, the Interstate Commerce Commission held that the requirement as to posting tariffs in two places was mandatory and that the Commission had no power to modify the requirements of the Act.²

In speaking of this requirement in connection with *Rea v. R. R. Co.*, Commissioner Prouty said: "The Commission has no power, if it were so disposed, to vary the requirements of the Act in this respect."

In connection with the foregoing, it was a fact well known to shippers as well as to the Commission that the almost universal practice of the carriers in compliance with the provisions of Section 6 was to file with the agents at their freight stations, copies of the tariffs and to post two notices in such stations stating that the

² *Rea v. R. R. Co.*, 7 I. C. C. 43; *Johnson v. R. R. Co.*, 9 I. C. C. 221; *Paxton Tie Co., v. R. R. Co.*, 10 I. C. C. 427.

tariffs were on file with the station or freight agent and could be seen on application. Although the Commission expressed its opinion that such practice was not in strict compliance with the terms of the Act, yet no effort was made by any shipper to enforce any other method of posting by mandamus or injunction as provided in the last section of Section 6 quoted above, as that section stood prior to its amendment by the Hepburn Bill.

The reason for such non-action lay in two facts of general recognition: (1) that the provision as to posting two copies of a tariff in a freight station was a needless burden upon the carrier, as practical experience had demonstrated the impossibility of preventing the almost immediate destruction of the tariffs as they were posted from time to time; and (2) the absence of any compensating advantage to the public by having the tariff out of the custody of the agent, as shippers or consignees rarely, if ever, looked at them. Hence, there was accordingly no injury to the public by retaining them in the custody of the station agent rather than posting them in two conspicuous places in waiting rooms, etc.

An examination of the sixth section of the Interstate Commerce Law, as it stands today, will develop that the Hepburn Bill made no change in the provisions that two copies of each tariff must be posted in two conspicuous places in every depot, station, or office of the carrier where passengers or freight are received for transportation. Furthermore, the second paragraph of Section 6 with respect to the publication of tariffs covering shipments between points in the United States, but which in course of transit pass through a foreign country, was re-enacted without change, but the Hepburn Act failed to re-enact that portion of the fifth paragraph of Section 6 quoted above, vesting the Commission with jurisdiction to provide the measure of publicity and mode of publication to be given joint rates and substituted the following

which was made applicable to all tariffs whether joint or several:

That the Commission may in its discretion and for good cause shown, allow changes upon less than notice herein specified, or modify the requirements of this section, in respect to publishing, *posting and filing of tariffs*, either in particular instances or by a general order applicable to special or particular circumstances or conditions.

The Hepburn Bill also failed to re-enact the last paragraph of Section 6 of the original Act, providing for the enforcement of the requirements of posting by writ of mandamus and injunction.

Based on the authority vested in it by the sixth section of the Act to Regulate Commerce, as amended by the Hepburn Law, the Commission, by order dated June 10, 1907, indicated to the common carriers that it would seem to be necessary to post in two public and conspicuous places at the larger stations, tariffs as follows:

- (1) Copies of every tariff applying *from* that station to any point.
- (2) Copies of all tariffs issued by any carrier *to* that station from any point.
- (3) Copies of every tariff issued by the carrier on whose lines the station is located, from or to every other point on the lines of such carrier.

Based on their experience, the carriers felt that this interpretation of Section 6 by the Commission was not logical or for the best interests of the commercial public or the railroads themselves; and they therefore petitioned the Interstate Commerce Commission (based on a suggestion received from that body), that the order of June 10, 1907, be temporarily suspended and that the question of posting tariffs be set for a general hearing, which was finally held in October, 1907. As one of the arguments in favor of temporary suspension, the petitioners stated that posting or filing by carrier at all

of its stations, all tariffs which it published or in which it concurred, would serve no useful purpose; that the printing, distributing, and posting of all tariffs in the manner indicated by the Commission, would be enormously expensive; that it would result in confusion and disorder in the conduct of their business in many ways, and particularly that it would render it practically impossible to make such lawful changes in their rates, practices, and charges as were required by constantly changing business conditions. In short, the petitioners believed that it was utterly impossible for them to comply with this section of the Act as interpreted by the Commission.

At the hearing, the following objections, from a traffic standpoint, were developed and made a matter of record:

(1) As to posting at a station in two public and conspicuous places, copies of tariffs containing rates from that station, the objection to the maintenance of two sets of tariffs for the public, which would mean another or a third set for the agent, when the object to be attained would be fully accomplished by the maintenance of one set of tariffs at a point accessible to and open to the inspection of the public, but under the protection of the agent. Experience in the past has demonstrated conclusively that a set of tariffs open to the public and not under the immediate protection of the agent, will be mutilated or depleted by careless or malicious persons and it would be impossible, without constant supervision, to maintain its accuracy. Moreover, it would not be likely that two sets of tariffs would be in use at the same time, so that all information would be furnished by one set, the public being advised by notices in a requisite number of places where such set was located.

(2) The posting at destination of all tariffs applying thereto would necessitate posting at each station, on the

lines of all carriers, every tariff, no matter where or by whom published, or from what territory applicable, which contained rates to such stations or destinations. If this is required, it of course means that the publications must be in the hands of agents at destination, thirty days in advance of the effective dates of tariffs; and as the failure to post at destination thirty days in advance of effective date might be considered as rendering the carrier liable for penalties, regardless of the fact that the tariffs had been duly filed with the Commission and posted at the lawful time at the points of *shipment*, the far-reaching effect of such a requirement is of grave concern, not only to the carriers but also to the shippers. The carriers are very strongly of the opinion that the law does not require the posting of tariffs at points of *destination* and further believe that such a requirement is not demanded by the public and is therefore unnecessary. To post a tariff at points of destination would, of necessity, call for a long advance notice of changes in rates as it would be difficult, if not impossible, to reach all destinations with tariffs in less than sixty days, which would mean that rates could not be changed or established in less than that time. This fact in itself, in the opinion of the carriers, conflicts with the law, which permits rates to be changed or established on thirty days' notice. To extend the time in which rates may be changed will, in many instances, be against the best interests of both the carriers and the public.

As previously stated, to post tariffs at point of destination would of necessity require the posting of every tariff at each station on the line of every carrier, no matter where or by whom published nor from what territory containing rates applicable to such stations, and this is a practical impossibility because no carrier could be certain that every tariff and supplement published

by the numerous other roads containing rates to its station, has been furnished to it by the issuing carrier. An incomplete tariff at any point is unreliable and therefore worse perhaps than no file at all. It is hardly necessary to add that such a system of posting tariffs would very necessarily include those now at stations with a consequent enormous additional expense for printing, distributing, and posting, which expense is not justified by the small demand on the part of consignees for rates to their stations. Moreover, the result would be to curtail instead of extend the making and publication of through rates, as in many instances the receipts from the traffic would not be commensurate with the cost of printing, distributing, and posting such tariffs.

(3) The requirement of posting at every station all tariffs issued by the railroad on which the station is located, and including therein tariffs to and from every other station on such railroad, is open to the practical objection to the tremendous increase in the number of tariffs to be printed and posted, the consequent complication of the tariff file, the large increase in station clerical force, the large increase in the cost of printing and distribution, all of which it is submitted would be an economic waste without any public benefit.

The foregoing explanation has been given in order that a clear understanding may be had as to the conditions which resulted in an order issued by the Interstate Commerce Commission on June 2, 1908, the full text of which will be found on pages 150 to 153, inclusive.

The main features of this order which must be complied with by the carriers are as follows:

(1) All carriers must maintain at each station a complete file of all tariffs containing rates applying *from* that station including those issued for that carrier by its authorized agents, together with all tariffs which provide for terminal or other charges applicable *at* that

station, and such tariffs must be posted so as to allow the lapse of full statutory notice or such notice as may be given in orders of the Interstate Commerce Commission before said tariff becomes effective.

(2) The agent or other representative of carrier at each station must be provided with facilities for keeping such file of tariffs in ready reference order and be required to maintain such file in complete and readily accessible form.

(3) This representative shall also be instructed and required to give any information contained in such schedules which is desired by the public.

(4) At each station must be kept on file an index of current I. C. C. issues of such carrier, such index to contain other information, which will be dealt with in Chapter X.

(5) The carrier is required to keep posted in two conspicuous places in every station, waiting room, warehouse, or office, at which schedules are placed in the custody of agent or the representative, notices printed in large type, the text of which will be found in the order referred to above, and which state the point at which a complete file of the company's tariffs is maintained.

The main concessions granted the railroad companies by this order are as follows:

(1) They are only required to post at their stations those tariffs which name rates *from* such stations and those which contain terminal or other charges applicable *at* such stations.

(2) The carriers are not required to post at their stations, tariffs naming inbound rates, but complete files of such tariffs must be maintained at points specified in the order.

In connection with the posting of tariffs at stations, the Commission in order dated June 7, 1915,³ has called attention to the fact that no uniform or adequate plan has been adopted and followed by the carriers under which the date upon which a given tariff or supplement to a given tariff is received for posting at a station at which posting is required.

It is the general opinion that the Commission feels that the carriers in some instances have not been fully complying with the regulations as to posting tariffs at stations so as to give full statutory notice or such notice as is prescribed in their various orders or permissions.

So far as concerns tariffs which are published by individual roads, it is believed the Commission's rule has been fully complied with in all cases, because when the tariffs are published by the roads themselves they can be mailed and placed in their agents' hands in most cases as quickly as they can reach the Interstate Commerce Commission. As regards agency tariffs, however, the situation is not the same, because before the tariffs reach the agents at stations where they must be posted they must be forwarded by the issuing agent to the tariff-issuing offices of the various roads and by them stamped or otherwise authorized for the use of their agents. They must be distributed to the agents themselves.

It is believed this class of tariffs is the one which the Commission had particularly in mind, and in order to overcome any further difficulty, tariff-issuing agents have been generally instructed to allow in addition to the statutory notice required or the notice provided in orders or special permissions of the Interstate Commerce Commission, a further period of twenty days between the issuing and effective dates so that ample time may be allowed to insure posting of tariffs at stations for the period required before they become effective.

³ See Appendix D.

The Commission in its order provides that certain records must be kept at every posting station, and that the date of receipt by the agent must be stamped on every tariff and supplement which is required to be posted. The necessary record forms have been furnished agents, and in Central Freight Association Territory all tariffs or supplements are to be provided with a blank space in which the date of receipt is to be stamped by the receiving agent.

Sample of title-page on page 11 shows clearly how this provision is taken care of.

CHAPTER X

INDICES OF FREIGHT TARIFFS

In connection with the relief granted carriers as to the posting of tariffs naming rates from stations on foreign lines to those on their own road by order dated June 2, 1908, in the matter of posting tariffs at stations, a rule was established that each carrier shall publish under proper I. C. C. number, post, and file a complete index of tariffs which are in effect and to which it is a party either as an initial line or delivering line, which index must be posted at *every station* of the issuing carrier.¹

The rule itself is very clear as to the data which is to be included in these indices. At the same time, it seems advisable to give, by caption, the arrangement which is most generally employed by the different carriers.

Section 1.—Showing list of freight tariffs, basing books and classifications, applicable from or at stations of the issuing carrier; also list of stations at which such tariffs are on file. In connection with the latter feature, it must be pointed out that the order of June 2, 1908, provides that each carrier shall provide, either in its indices of tariffs or in a separate publication which must be kept up to date and given I. C. C. number and filed with the Commission, an index or indices of tariffs that are to be found in the files at each of the several stations or offices. To maintain a separate index for each station, correcting same periodically and filing

¹ Rule 11, Tariff Circular No. 18-A.

with the Interstate Commerce Commission would entail an enormous amount of work and considerable expense. Hence, it has been decided advisable by all carriers to show in Section 1 of their general indices, the stations at which each tariff is posted. This is accomplished by assigning each station a number, and in columns with appropriate headings are shown these numbers. Suppose a road has 208 stations. If a tariff is posted at all of these stations, in the special column would be shown 1 to 208. If, however, tariff applied only from individual stations and therefore required posting only at such stations, the actual numbers of these stations would be shown in the column.

As observed from Rule 11, the following general captions are used in Section 1 of Tariff indices:

- (1) Commodity tariffs (specific).
- (2) Commodity tariffs (general).
- (3) Class and commodity tariffs.
- (4) Class tariffs.
- (5) Miscellaneous tariffs.

Under the head of "Miscellaneous Tariffs" are included those tariffs which provide application for rates, bases for rates, classification, exceptions to classification, special privilege tariffs, and others of the same character. In Exhibit 1 on page 134 is a caption showing the order in which the various kinds of information required, is shown in Section 1.

Section 2.—List of freight tariffs, basing books, classifications, and other publications in which the road issuing the indices is shown as an intermediate or delivering carrier.

In this section are enumerated all of the tariffs in which the issuing carrier is shown as a participant under concurrence or power of attorney, and the tariffs of each foreign road are arranged together under caption of the issuing road.

An extract from an index, which will show just how the data in this section is arranged, will be found on page 135, Exhibit 3.

For the benefit of agents in locating rates, it is customary in this section to show whether their own road is shown in the tariffs of the connecting lines which are listed as an intermediate carrier or as a terminal carrier. This is easily worked out by the use of reference marks shown opposite the I. C. C. number and explanation thereof made at the foot of the page.

Section 3.—This section shows the following information:

- (1) Numerical list of I. C. C. numbers of issuing road.
- (2) Numerical list of state and Canadian Commission numbers of issuing road.
- (3) In each case, a numerical list of the issuing roads' individual numbers attaching to the I. C. C., state, and Canadian numbers, in case individual numbers are used by it.

In addition to this information, it has been found advisable to carry an index showing by index number where in Section 1 full description of the tariff will be found. It should be borne in mind that in each instance the key to this table is the I. C. C., state, or Canadian Commission numbers, which are arranged in consecutive order, and when individual road numbers are used by such roads these numbers appear for the information of the particular roads' representatives and are not apt to be in numerical order.

Section 4.—Numerical list of the issuing road's freight tariff numbers. In this section, we have a consecutive arrangement of the individual road's numbers which it assigns to tariffs applying from its points and at its stations. The index feature is also used in this section

and the I. C. C. numbers covering each individual road number are shown.

It is also customary to show after each of these tariff numbers, the number of the last supplement issued. Sample of the box heading used is given in Exhibit 2 on page 134.

Section 5.—Alphabetical list of lines shown as participating carriers in tariffs published by the issuing road. This section is entirely optional with the carrier but has been adopted quite generally by all roads because it gives concurring carriers an opportunity to check up their files and determine whether or not they have all issues in which they are shown as participants.

In this list, it is usual for the issuing carrier to use its own individual numbers when such numbering scheme is followed. Of course, when individual numbers are not used, the I. C. C. numbers must be employed or, when the tariff contains strictly state rates and is not filed with the Interstate Commerce Commission, the state number is used.

EXHIBIT 1

Box Heading Showing Various Information Shown in Section 1 of an Index of Freight Tariffs

I. C. C. No.	C. R. C. No.	I. R. C. No.	R. C. O. No.	Index No.	L. E. & W. Freight Tariff No.	Issued by	Applying on	From Stations Indicated by Nos. (See Page 3).	TO	Stations at which Tariffs are posted indi- cated by Nos.
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EXHIBIT 2

Box Heading Arrangement of Data in Section 4 of an Index of Freight Tariffs

New Freight Tariff No.	Index No.	I. C. C. No.	Last Sup. No.	Old Freight Tariff No.	New Freight Tariff No.	Index No.	I. C. C. No.	Last Sup. No.	Old Freight Tariff No.	New Freight Tariff No.	Index No.	I. C. C. No.	Last Sup. No.	Old Freight Tariff No.
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In connection with Exhibit 2, the road issuing the index from which the box heading was taken, in inaugurating a filing system at stations, found it necessary to change the numbers on every one of its tariffs; hence, the columns reading "Old Freight Tariff No."

I. C. C. No.	I. R. C. No.	R. C. O. No.	L. E. & W. G. F. D. No.	APPLYING ON	FROM	TO
AKRON, CANTON & YOUNGSTOWN RY.						
(t)	10	11	227	Brick, Clay, Etc.	Akron, Brittain, Coloma and Magadore, Ohio.	Ill., Ind., Ohio, Etc.
(t)	12	13	228	Classes	Ohio Pts.	Ill., Ind., Ohio, Etc
ALABAMA GREAT SOUTHERN R. R. (See Queen & Crescent Route).						
ALABAMA & VICKSBURG RY. (See N. O. & N. E. R. R.)						
ANDERSON, FRANK.						
(t)	10		62001-A	Lumber and Forest Products.	Memphis, Tenn. (From be- yond).	Ill., Ind., Ohio, Seaboard, Northwest, Etc.
(t)	9		62003-B	Lumber and Forest Products.	Memphis, Tenn., Helena and W. Helena, Ark., and L. and & N. Tenn. Pts.	Ill., Ind., Ohio, Seaboard Northwest, Etc.
(t)	12		62004-A	Classes and Commodities.	Memphis, Tenn.	Ill., Ind., Ohio, Northwest, Etc.
(t)	11		62002-B	Classes and Commodities.	Memphis, Tenn.	Seaboard and Virginia Pts.
ANN ARBOR R. R. AND STEAMSHIP LINES.						
(t)	A439		119-D	Acetone, Acid (Acetic), Wood Al- cohol, Etc.	Manistique, Mich.	Ind., Mich., N. Y., Ohio, Pa.
(t)	A444		118-C	Fruits and Vegetables; vis.:	M. & N. E. Ry.	Ill., Ind., Ohio, Etc.
(t)	A395	A127	122	Potatoes	Ann Arbor R. R. Pts.	Ill., Mich. and Wis. Pts.
(t)	665		17618	Furniture	Milwaukee, Kewaunee, Man- itowoc, Wis., and Manis- tique, Mich.	Ind., Ohio, Pa., Etc.
(t)	A214		108-B	Grain and Grain Products	Manitowoc and Kewaunee, Wis. and Manistique, Mich.	Ind., Ohio, Etc.

(t)—Indicates the L. E. & W. R. R., F. W. R. C. & L. R. R. and Nor. Ohio Ry. are delivering as well as intermediate carriers.

CHAPTER XI

DIGEST OF STATE POSTING AND FILING REGULATIONS

In connection with state regulations dealing with the construction, posting, and filing of tariffs containing state rates, the following data recently compiled will be of considerable interest.

ALABAMA

Freight tariffs on intrastate traffic must be submitted for approval, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

ARIZONA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "A. C. C. No. ____."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

ARKANSAS

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 10 days, accompanied by letter of transmittal.

The Arkansas Commission prescribes rates, rules, practices, etc., on Arkansas state business.

No official tariff number is required.

All tariffs must be posted at stations at which the tariffs are filed 10 days prior to effective date.

CALIFORNIA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "C. R. C. No. ____."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

CANADA

Freight tariffs on traffic to or from United States must be filed upon statutory notice of 30 days for advance in rates and 3 days for new rates and reductions.

The official tariff number is "C. R. C. No. —."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date (except on new rates and reductions, which is 3 days).

COLORADO

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "Col. P. U. C. No. —."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

CONNECTICUT

This subject is not covered by orders of the Connecticut Commission.

DELAWARE

This state has no railroad commission.

DISTRICT OF COLUMBIA

See Interstate Commerce Commission Rulings.

FLORIDA

Commissioners fix rates on intrastate traffic and give notice in newspaper before change is made.

No official tariff number is required.

Freight tariffs must be posted at stations at which tariffs are filed.

GEORGIA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 10 days for advance in rates and 3 days for new rates and reductions.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date (except on new rates and reductions, which is 3 days).

IDAHO

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

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The official tariff number is "P. U. C. I. No. —."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

ILLINOIS

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "I. P. U. C. No. —."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

INDIANA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 10 days for advance in rates and 2 days for new rates and reductions.

The official tariff number is "I. R. C. No. —."

All tariffs must be posted at stations at which tariffs are filed 10 days for advance in rates and 2 days for new rates and reductions.

INTERSTATE COMMERCE COMMISSION

Freight tariffs on interstate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "I. C. C. No. —."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

IOWA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 10 days, accompanied by letter of transmittal, except that reduction in rates may be made without previous public notice.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

KANSAS

Freight tariffs on state and interstate traffic must be filed with the Public Utilities Commission of Kansas.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed.

KENTUCKY

This state does not require the filing of freight tariffs.

LOUISIANA

Commission fixes rates on intrastate traffic.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed.

MAINE

Freight tariffs on intrastate traffic must be filed upon statutory notice of 10 days, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

MARYLAND

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P. S. C. Md. No. —."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

MASSACHUSETTS

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

MICHIGAN

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 10 days, accompanied by letter of transmittal.

The official tariff number is "M. R. C. No. —."

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

MINNESOTA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 10 days (no rate changes without the consent of the Commission), accompanied by letter of transmittal.

The official tariff number is "M. R. C. No. —."

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

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MISSISSIPPI

Freight tariffs on intrastate traffic must be filed with the Mississippi Railroad Commission.

No official tariff number is required.

The matter of posting tariffs at station of carriers is not required.

MISSOURI

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P. S. C. Mo. No. —."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

MONTANA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 20 days (no rate changes without the consent of the Commission), accompanied by letter of transmittal.

The official tariff number is "Montana R. C. No. —."

It is not necessary to post tariffs at stations at which tariffs are filed.

NEBRASKA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 20 days, accompanied by letter of transmittal.

The Nebraska Commission fixes maximum rates, etc.

No official tariff number is required.

All tariffs must be posted at stations at which the tariffs are filed 20 days prior to effective date.

NEVADA

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which the tariffs are filed 10 days prior to effective date.

NEW HAMPSHIRE

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "N. H. P. S. C. No. —."

All tariffs must be posted at stations at which the tariffs are filed 30 days prior to effective date.

NEW JERSEY

This state does not require the filing of freight tariffs.

NEW MEXICO

Freight tariffs on intrastate traffic must be filed with the State Corporation Commission of New Mexico upon statutory notice of 30 days and must be accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations 30 days prior to effective date.

NEW YORK

(First District)

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P. S. C. 1—N. Y. No. —."

All tariffs must be posted at stations at which the tariffs are filed 30 days prior to effective date.

NEW YORK

(Second District)

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P. S. C. 2—N. Y. No. —."

All tariffs must be posted at stations at which the tariffs are filed 30 days prior to effective date.

NORTH CAROLINA

The State of North Carolina Corporation Commission prescribes rates applicable on freight traffic between points wholly within the State of North Carolina. It is not necessary to file tariffs with that body.

NORTH DAKOTA

Freight tariffs on intrastate and interstate traffic must be submitted for approval, accompanied by letter of transmittal.

The official tariff number is "N. D. R. C. No. —."

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

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OHIO

Freight tariffs on intrastate (also interstate from Ohio points) must be filed upon statutory notice of 10 days, accompanied by letter of transmittal.

The official tariff number is "Ohio."

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

OKLAHOMA

As the Corporation Commission of Oklahoma prescribes rates applicable on freight traffic between points wholly within the State of Oklahoma, it is not necessary to file tariffs with that body.

OREGON

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 10 days, accompanied by letter of transmittal.

The official tariff number is "O. R. C. No. —."

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

PENNSYLVANIA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P. S. C. Pa."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

RHODE ISLAND

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

SOUTH CAROLINA

The South Carolina Corporation Commission prescribes rates applicable on freight traffic between points wholly within the State of South Carolina. Hence, it is not necessary to file tariffs with that body.

SOUTH DAKOTA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

TENNESSEE

The Tennessee Railroad Commission does not require the filing of tariffs.

TEXAS

All rates applicable on Texas intrastate traffic must be either prescribed or approved by the Railroad Commission of Texas. Hence, all tariffs embodying such rates must be filed with that commission effective 20 days after issuance or on date designated by the Texas Commission.

No official tariff number is required.

The Texas statute also requires posting of tariffs at stations.

UTAH

This state has no railway commission.

VERMONT

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

VIRGINIA

Freight tariffs on intrastate traffic must be submitted for approval accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 10 days prior to effective date.

WASHINGTON

Freight tariffs on intrastate and interstate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "W.P.S.C. No.—."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

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WEST VIRGINIA

Freight tariffs on intrastate traffic must be filed upon statutory notice of 30 days, accompanied by letter of transmittal.

The official tariff number is "P.S.C.W.Va."

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

WISCONSIN

Freight tariffs on intrastate and interstate traffic must be submitted for approval, accompanied by letter of transmittal.

No official tariff number is required.

All tariffs must be posted at stations at which tariffs are filed 30 days prior to effective date.

WYOMING

This subject is not covered by orders of the Wyoming Commission.

TEST QUESTIONS

These questions are for the student to use in testing his knowledge of the assignment. The answers should be written out, but are not to be sent to the University.

1. What were the conditions with respect to classifications prior to the passage of the Act to Regulate Commerce?
2. What were the conditions with respect to uniformity and observance of publications?
3. What were the prescriptions in the Act to Regulate Commerce, with respect to this phase of transportation, as it was originally enacted?
4. In what respect was the original act found to be defective?
5. What is the substance of Section 6 of The Act to Regulate Commerce as it now stands?
6. What is the current issue of the Commission's regulation with respect to the construction of freight rate publications?
7. What processes are prohibited from being employed in the publication of tariffs?
8. What is the size requirement of the Commission and is there any deviation from this rule?
9. What is the title-page of a tariff?
10. What purpose does the Interstate Commerce Commission (I.C.C.) number, appearing on the title-page of a tariff, serve?
11. What advantage is obtained through having each new issue state the preceding issues it cancels?
12. How many supplements may a tariff of ninety-three pages have?
13. What objection can be raised to the proposition to require the carriers to use a uniform number in filing their publications with the federal and state commissions?
14. Under what circumstances may the participating carriers be shown on the title-page of the tariff?

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15. What is meant by the "character" of the tariff?
16. Why may not the territorial application, indicated on the title-page of a tariff, be taken as conclusive evidence of the contents of the publication?
17. What advantage is gained by stating the classification governing various tariffs?
18. Define the term "statutory notice."
19. In the event that a rate is to be withdrawn as soon as a shipment is made, how can the cancellation of this issue be effected?
20. In view of the uncertainty of the closing of navigation on the Great Lakes, how can the suspension of these rates be made effective without difficulty?
21. Why is it undesirable to publish specific commodity rates to all points in a given territory?
22. What is the intent of Rule 77?
23. What purpose is served by having the issuing agent's, or officer's, name appear on the title-page of publications?
24. Outline the general arrangement of the body of tariffs.
25. What distinction is to be drawn as to the differentiation of the terms "issuing carriers" and "participating carriers"?
26. In a publication naming miscellaneous commodity rates, the index to the commodities did not disclose one of the articles on which a rate was named. Would the rate be lawfully used? If not, under what authority?
27. What is the objection to the use of such general terms as "merchandise," "packing-house products," "forest products," etc.?
28. Why may the absence of a specific point of origin from the list of such in the tariff not be conclusive evidence that the tariff does not apply from that point?
29. What are territorial directories?
30. What distinction is to be drawn between reference marks on the one hand and technical abbreviations on the other?
31. What is the substance of Rule 4(f)?
32. What are "conjunctive issues"?
33. What units are employed in connection with the application of rates?

34. Must specific routing instructions be incorporated in all tariffs?

35. What is the distinction between an "amendment" and a "supplement"?

36. Do the requirements with respect to the title-page of supplements differ from the requirements for the title-page of tariffs?

37. Is there any differentiation as to the arrangement of the table of contents?

38. How must supplements be numbered?

39. Enumerate some of the conditions under which special supplements may be issued.

40. Must a supplement contain a list of participating carriers in the same form as the original tariff?

41. When may an index to a supplement be dispensed with?

42. How must cancellation of an item in the original tariff be effected in a supplement?

43. To what extent may a tariff containing one hundred pages have supplemental matter?

44. What is the plan pursued in supplementing periodical and loose-leaf tariffs?

45. What is a suspension supplement?

46. In what respect does a bridge supplement differ from others?

47. What is an "adoption notice," and when issued?

48. How are advances and reductions in rates to be indicated?

49. Is the use of such ambiguous terms as "Southeastern Territory," "Texas Common Point Territory," etc., sanctioned?

50. Under what conditions may geographical terms be employed in indicating the application of a tariff?

51. In class rate tariffs, is it necessary to reproduce multiples and percentages of class rates?

52. Is it permissible for a carrier to have several tariffs applying on the same commodity?

53. May the rates authorized in one tariff be substituted for those named in another?

54. In the event that the Commission suspends proposed rates, what procedure must be followed with regard to supplementing

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the publication, or publications, containing the advanced rates and rates heretofore in effect?

55. Is it permissible to make changes in tariffs and supplements which are under suspension?

56. When a tariff is canceled outright, and no other tariff is issued to take its place, how is the cancellation effected?

57. In the event that the rates contained in a tariff are transferred to two or more issues, how is the cancellation of the original issue effected?

58. Is it permissible for a carrier to cancel a tariff issued by its duly accredited agent?

59. Why is it desirable that the supplemental matter embodied in supplements be condensed as much as possible?

60. What evil was overcome by the Commission's requirements with respect to the issuance of concurrences and powers of attorney?

61. Enumerate the various forms and show how they differ.

62. What is the distinction between a power of attorney and a concurrence?

63. Under what circumstances may a concurrence or power of attorney be revoked?

64. How many copies of these documents are required and to whom are they distributed?

65. Under what circumstances is it permissible for a carrier to charge more for a shorter than for a longer haul, the shorter being entirely within the longer haul?

66. What is the substance of the Interstate Commerce Commission's special order No. 13?

67. What divisions may be employed in classifying freight schedules?

68. What divisions may be employed to freight rate tariffs?

69. Is it necessary that car service and demurrage charge tariffs be filed with the Commission?

70. Has the Interstate Commerce Commission prescribed regulations with respect to the publication and filing of switching and absorption tariffs?

71. What are special privilege tariffs?

72. How may trap, or ferry, cars be defined?

73. In the event that a shipper and a carrier agree upon a specified weight to be employed in assessing freight charges, must such agreement be filed with the Commission?

74. What is a guide book, or billing instruction?

75. What regulations are prescribed with respect to the issuance of station lists?

76. What is the difference between a sheet tariff and a book tariff?

77. Illustrate the practice of publishing combination of local rates as a through rate.

78. How is the cancellation of a loose-leaf tariff effected?

79. What advantage is to be gained from the publication of tariffs under the sectional plan?

80. In so far as a tariff-issuing agent is concerned, what advantage is obtained through the reissuance of the publications at specified intervals?

81. What is a letter of transmittal and when is it used?

82. What is the requirement of the Act to Regulate Commerce with respect to the filing or posting of freight rate schedules at the various stations?

83. What objection is there to a literal observance of these requirements?

84. How was the situation remedied?

85. What was the substance of the Commission's order of June 10, 1907? How was it modified by the order of June 2, 1908?

86. What is the procedure of tariff-issuing agents with respect to the allotment of time to comply with this order?

87. How do you distinguish between a specific commodity tariff and a general commodity tariff?

88. What is a tariff index and what arrangement is prescribed therefor?

89. How many supplements may be issued to a tariff index?

APPENDIX A

REQUIREMENTS AS TO POSTING TARIFFS AT AGENCY STATIONS

INTERSTATE COMMERCE COMMISSION

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington; D. C., on the 2d day of June, A. D. 1908.

Present:

MARTIN A. KNAPP,	} Commissioners.
JUDSON C. CLEMENTS,	
CHARLES A. PROUTY,	
FRANCIS M. COCKRELL,	
FRANKLIN K. LANE,	
EDGAR E. CLARK,	
JAMES S. HARLAN,	

IN THE MATTER OF MODIFICATION OF THE PROVISIONS OF SECTION SIX OF THE ACT WITH REGARD TO POSTING TARIFFS AT STATIONS.

Under the authority conferred upon the Commission by Section 6 of the Act, to modify its requirements as to publishing, posting, and filing of tariffs, the Commission issues the following order, in connection with which it must be understood that each carrier has the option of availing itself of this modification of the requirements of Section 6 of the Act or complying literally with the terms of the Act. If such modification is accepted by a carrier it must be understood that misuse of the privileges therein extended or frequent misquotation of rates on the part of its agents will result in cancellation of the privileges as to that carrier. It should also be understood that in so modifying the requirements of the Act the Commission expects a continuation by carriers of the practice of furnishing tariffs to a reasonable *extent to frequent shippers thereunder*.

Every carrier subject to the provisions of the Act to Regulate Commerce (excepting those to which special and specific modifications have heretofore been granted) shall place in the hands

and custody of its agent or other representative at every station, warehouse, or office at which passengers or freight are received for transportation, and at which a station agent or a freight agent or a ticket agent is employed, all of the rate and fare schedules which contain rates and fares applying *from that station*, or terminal or other charges applicable *at that station*, including the schedules issued by that carrier or by its authorized agents and those in which it has concurred. Such agent or representative shall also be provided with all changes in, cancellations of, additions to, and reissues of such publications in ample time to thus give to the public, in every case *the thirty days' notice required by the act*.

Such agent or representative shall be provided with facilities for keeping such file of schedules in ready-reference order, and be required to keep said files in complete and readily accessible form. He shall also be instructed and required to give any information contained in such schedules, to lend assistance to seekers for information therefrom, and to accord inquirers opportunity to examine any of said schedules, without requiring or requesting the inquirer to assign any reason for such desire, and with all the promptness possible and consistent with proper performance of the other duties devolving upon him. He shall also furnish upon request therefor quotation in writing of rates via such carrier's line not contained in the tariffs on file at that station. Carrier may arrange for such agent to refer such requests to a proper officer of the company, but the quotation must be furnished within a reasonable time and without unnecessary delay.

Each of such carriers shall also provide and each of such agents or representatives shall also keep on file copies of the current I. C. C. issues of the indices of the tariffs of that carrier.

Each of such carriers shall also provide, either in its indices of tariffs (provided for in Rules 11 and 39 of Commission's tariff regulations, Tariff Circular 15-A) or in separate publication or publications, which must be kept up to date, be given I. C. C. numbers and be filed with the Commission, an index or indices of the tariffs that are to be found in the files at each of its several stations or offices. Such index shall be kept on file and be open to inspection at each of such several stations or offices as hereinbefore provided. If such indices are prepared for a system or road or for a number of stations or offices they must be printed and may be arranged under a system of station numbers and alphabetical list of stations. If arranged for individual stations or offices they may be printed or typewritten. All such indices must be of size 8 by 11 inches.

Each of such carriers shall require its traveling auditors to check up each station's or office's file of tariffs at least once in

each six months, unless it employs one or more traveling inspectors who will make such inspections and checks.

Each of such carriers whose lines reach any of the cities in the following list, either over its own rails or by trackage rights, or by boat line, or by ferry, shall provide and maintain at each of said cities so reached by it, and at such additional points as may from time to time be designated by the Commission, complete files of the tariff publications which it issues or is a party to, together with indices of same as hereinbefore required:

Alabama, Montgomery.	Missouri, St. Louis,
Arkansas, Little Rock.	Kansas City.
California, San Francisco,	Montana, Helena.
Los Angeles.	Nebraska, Omaha.
Colorado, Denver.	New York, New York,
Connecticut, Hartford.	Buffalo.
Florida, Jacksonville.	North Carolina, Charlotte.
Georgia, Atlanta.	Ohio, Cincinnati, Cleveland.
Illinois, Chicago,	Oklahoma, Oklahoma City.
Springfield.	Oregon, Portland.
Indiana, Indianapolis.	Pennsylvania, Philadelphia,
Iowa, Des Moines.	Pittsburgh.
Louisiana, New Orleans.	South Carolina, Columbia.
Maine, Portland.	South Dakota, Sioux Falls.
Maryland, Baltimore.	Tennessee, Memphis,
Massachusetts, Boston,	Chattanooga.
Worcester.	Texas, Fort Worth, Houston.
Michigan, Detroit.	Utah, Salt Lake City.
Minnesota, St. Paul,	Virginia, Richmond.
Minneapolis.	Washington, Seattle.
Mississippi, Jackson.	Wisconsin, Milwaukee.

Each of such files shall be in charge of an employee who will give information and assistance to those who may wish to consult such file, and each such file shall be kept open and accessible to the public during ordinary business hours and on business days.

Each of such carriers whose lines do not so reach any of the above-named cities shall also provide at at least one point on its line a complete file of the tariffs which it issues or is a party to, together with indices of same as hereinbefore required, which file will be in charge of an employee of the carrier, who will give desired information and assistance to those who may wish to consult such file. This file of tariffs shall be open and accessible to the public during ordinary business hours and on business days.

Each of such carriers shall also provide and cause to be posted and kept posted in two conspicuous places in every station waiting

room, warehouse, or office at which schedules are so placed in custody of agent or other representative notices printed in large type and reading as follows:

(A) Complete public file (or files) of this company's tariffs is (are) located at _____, in the city of _____ (or cities of _____ and _____). The rate and fare schedules applying from or at this station and indices of this company's tariffs are on file in this office, and may be inspected by any person upon application and without the assignment of any reason for such desire.

The agent or other employee on duty in the office will lend any assistance desired in securing information from or in interpreting such schedules.

At exclusive freight stations or warehouses and at exclusive passenger stations or offices carriers may, under this order, place and keep on file only the freight or passenger schedules, respectively, and in such cases the posted notices may be varied to read:

The freight rate (or passenger fare) schedules applying from or at this station and index of this company's freight (or passenger) tariffs are on file in this office, etc.

Each of such carriers shall also require its agent or other employee in charge of tariffs at each point where complete public file is not kept to post from time to time in a public place in waiting room or office a brief bulletin notice to the effect that rates from that station on certain commodities have been changed.

Compliance with this order as to all available tariffs is required not later than October 1, 1908, and full compliance in every instance not later than January 1, 1909.

A true copy.

EDW. A. MOSELEY,
Secretary.

APPENDIX B

REQUIREMENTS AS TO THE OBSERVANCE OF THE LONG- AND-SHORT-HAUL CLAUSE

FOURTH SECTION ORDER No. 3700.

GENERAL No. 13.

INTERSTATE COMMERCE COMMISSION

ORDER

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D. C., on the 3d day of February, A. D. 1914.

EDGAR E. CLARK, JUDSON C. CLEMENTS, JAMES S. HARLAN, CHARLES C. McCHORD, BALTHASAR H. MEYER,	}	Commissioners.
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IN THE MATTER OF PERMITTING ORDINARY CHANGES
IN RATES PENDING ACTION UPON APPLICATIONS
FOR RELIEF FROM THE PROVISIONS OF THE
FOURTH SECTION OF THE ACT TO REGULATE COM-
MERCE AS AMENDED JUNE 18, 1910.

The Commission being of the opinion that the convenience of the carriers, the public, and the Commission will be better served by assembling in one general fourth section order, divided into numbered sections for convenient tariff reference, the general fourth section orders known as Fourth Section Order No. 100, General No. 2; Fourth Section Order No. 485, General No. 9; Fourth Section Order No. 839, General No. 11; and Fourth Section Order No. 2200, General No. 12, and experience having suggested certain modifications in the descriptions of conditions under which relief has been afforded by these orders, and certain additional situations as to which carriers may be relieved from the operation of said section, therefore.

It is ordered, That Fourth Section Order No. 100, General No. 2; Fourth Section Order No. 485, General No. 9; Fourth Section

Order No. 839, General No. 11; and Fourth Section Order No. 2200, General No. 12, be, and the same are hereby, vacated and set aside as of March 15, 1914.

30020°—14

It is further ordered, That effective March 15, 1914, as to and confined in all cases to rates and fares which are included in and covered by applications for relief from the provisions of the fourth section of the Act to Regulate Commerce that were filed with the Commission on or before February 17, 1911, and until the applications including and covering such rates or fares have been passed on by the Commission, carriers may file with the Commission, in the manner and form prescribed by law and by the Commission's regulations, such changes in rates and fares as occur in the ordinary course of their business, continuing higher rates or fares at intermediate points, and through rates or fares higher than the combinations of intermediate rates or fares, provided that in so doing the discrimination against intermediate points is not thereby increased.

It is further ordered, That as to and confined in all cases to rates which are included in and covered by applications as above described, carriers may file with the Commission, in the manner and form prescribed by law and by the Commission's regulations, changes in rates under the following conditions, *although the discrimination against intermediate points is thereby increased*:

SEC. 1. A through rate which is in excess of the aggregate of the intermediate rates lawfully published and filed with the Commission may be reduced to equal the sum of the intermediate rates.

SEC. 2. Where a through rate has been, or is hereafter, reduced under the authority of Section 1 of this order, carriers maintaining through rates via other routes between the same points may meet the rate so made by the route initiating the reduction.

SEC. 3. Where a reduction is made in the rate between two points under the authority of Section 1 of this order, such reduction may extend to all points in the group which take the same rates as does the point from or to which the rate has been reduced.

SEC. 4. Where through rates are in effect which exceed the lowest combination of rates lawfully published and filed with the Commission, carriers may correct said through rates by reducing the same to equal such lowest combination.

SEC. 5. A longer line or route may reduce the rates in effect between the same points or groups of points to meet the rates of a shorter line or route when the present rates via either line do not conform to the fourth section of the Act, under the following circumstances:

(a) Where the longer line is meeting a reduction in rates initiated by the shorter line.

(b) Where the longer line has not at any time heretofore met the rates of the shorter line.

SEC. 6. A newly constructed line publishing rates from and to its junction points under the authority contained in paragraph (b) of Section 5, may establish from and to its local stations rates in harmony with those established from and to junction points.

SEC. 7. Carriers whose rates between certain points do not conform to the fourth section of the Act, which rates have been made lower than rates at intermediate points to meet the competition of water or rail-and-water carriers between the same points, may make such further reductions in rates as may be required to continue to effectively meet the competition of rail-and-water or all-water lines.

SEC. 8. Where rates are in effect from or to a point that are lower than rates effective from or to intermediate points, carriers may extend the application of such rates to, or establish rates made with relation thereto at, points on the same line adjacent or in close proximity thereto, provided that no higher rates are maintained from and to points intermediate to the former point and the new point to which the application of the same or relative rates has been extended.

SEC. 9. Where there is a rate on a commodity from or to one or more points in an established group of points from and to which rates are ordinarily the same, but the rate on the said commodity does not apply at all points in the said group, such rate may be made applicable to or from all of such other points.

SEC. 10. Where there is a definite and fixed relation between the rates from and to adjacent or contiguous groups of points, and the rates to or from one of said groups are changed, corresponding changes may be made in the rates of the other groups to preserve such relation.

SEC. 11. In cases where no through rates are in effect via the various routes or gateways between two points, and the combination of lawfully published and filed rates via one gateway makes less than the combination via the other gateways, a through rate may be established on the basis of the combination via the gateway over which the lowest combination can be made, and made applicable via all gateways.

SEC. 12. In cases where through rates are in effect between two points, via one or more routes or gateways, which are higher than the combination of lawfully published and filed rates via one of these gateways, different carload minima being used on opposite sides of the gateway, a through rate may be established equal to the lowest combination of lawfully published and filed

rates, using the higher of the carload minima but continuing the present higher through rate if based upon a lower carload minimum.

The Commission does not hereby approve any rates that may be filed under this authority, all such rates being subject to complaint, investigation, and correction if in conflict with any provision of the Act.

And it is further ordered, That when the Commission passes upon any application for relief from the provisions of the fourth section with respect to the rates referred to herein, the order issued with relation thereto will automatically cancel the authority herein granted as to the rates covered and affected by such order.

By the Commission.

[SEAL.]

GEORGE B. MCGINTY,
Secretary.

APPENDIX C

CHANGES IN RATES WHEN ADVANCES THEREIN HAVE BEEN SUSPENDED

INTERSTATE COMMERCE COMMISSION

ORDER

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D. C., on the 14th day of June, A. D. 1915.

It appearing, That after the Commission has suspended the operation of a schedule and deferred the use of a new rate, fare, charge, classification, regulation, or practice stated therein, thereby continuing in force, temporarily, the rate, fare, charge, or other tariff provision in effect at the time, tariff-issuing officers of carriers have not infrequently filed other and different schedules stating new rates, fares, charges, or other tariff provisions which are changes in those so temporarily continued in force and effect;

It appearing, From numerous instances which have come to notice in the experience of the Commission or have been brought to its attention by informal complaints, that the spirit of the law and of the Commission's order of suspension is evaded by such action, and troublesome complications are thereby created;

It is ordered, That when the Commission has suspended a schedule and deferred the use of a rate, fare, charge, classification, regulation, or practice stated therein, the rate, fare, or charge thereby continued in effect shall not be increased, and the classification, regulation, or practice stated therein shall not be changed, by any subsequent schedule, until the suspension proceeding has been disposed of or the period of suspension, and of any extension thereof, has expired, unless such change is specifically authorized by special order of the Commission.

It is further ordered, That Rule 9k of the Commission's Tariff Circular No. 18-A be amended by inserting in the tenth paragraph thereof the substance of this order.

It is further ordered, That a copy of this order be served upon all carriers subject to the provisions of the Act to Regulate Commerce.

It is further ordered, That this order shall be in effect from and after July 15, 1915.

By the Commission:

[SEAL.]

GEORGE B. MCGINTY,
Secretary.

APPENDIX D

RECENT REGULATIONS IN CONNECTION WITH POSTING OF TARIFFS

INTERSTATE COMMERCE COMMISSION

ORDER

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D. C., on the 7th day of June, A. D. 1915.

IN THE MATTER OF MODIFICATION OF THE PROVISIONS OF SECTION 6 OF THE ACT WITH REGARD TO POSTING TARIFFS AT STATIONS.

It appearing, That no uniform or adequate plan has been adopted and followed by the carriers under which the date upon which a given tariff or supplement to a tariff is received for posting at a station at which it is required to be posted:

It is ordered, That the Commission's order of June 2, 1908, relative to posting tariffs, be, and the same is hereby, amended by adding thereto the following:

Every carrier subject to the provisions of the Act to Regulate Commerce shall require its agent or other representative at every station, warehouse, or office at which tariffs are required to be posted, upon receipt of a tariff or supplement to a tariff for filing and posting at that station, to immediately write or stamp upon the title-page of such publication the date upon which it was received by such agent or other representative, and to keep and preserve a separate record, by I. C. C. numbers and supplement numbers, of the receipt of each tariff or supplement to a tariff, showing the date received and the date posted.

It is further ordered, That this amendment to the said order of June 2, 1908, shall be effective from and after July 15, 1915.

It is further ordered, That a copy of this order be served upon all carriers subject to the provisions of the Act to Regulate Commerce.

This order modifies said order of June 2, 1908, only to the extent herein specified.

By the Commission:

[SEAL.]

GEORGE B. MCGINTY,
Secretary.

Order No. 839, General No. 11; and Fourth Section Order No. 2200, General No. 12, be, and the same are hereby, vacated and set aside as of March 15, 1914.

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It is further ordered, That effective March 15, 1914, as to and confined in all cases to rates and fares which are included in and covered by applications for relief from the provisions of the fourth section of the Act to Regulate Commerce that were filed with the Commission on or before February 17, 1911, and until the applications including and covering such rates or fares have been passed on by the Commission, carriers may file with the Commission, in the manner and form prescribed by law and by the Commission's regulations, such changes in rates and fares as occur in the ordinary course of their business, continuing higher rates or fares at intermediate points, and through rates or fares higher than the combinations of intermediate rates or fares, provided that in so doing the discrimination against intermediate points is not thereby increased.

It is further ordered, That as to and confined in all cases to rates which are included in and covered by applications as above described, carriers may file with the Commission, in the manner and form prescribed by law and by the Commission's regulations, changes in rates under the following conditions, *although the discrimination against intermediate points is thereby increased:*

SEC. 1. A through rate which is in excess of the aggregate of the intermediate rates lawfully published and filed with the Commission may be reduced to equal the sum of the intermediate rates.

SEC. 2. Where a through rate has been, or is hereafter, reduced under the authority of Section 1 of this order, carriers maintaining through rates via other routes between the same points may meet the rate so made by the route initiating the reduction.

SEC. 3. Where a reduction is made in the rate between two points under the authority of Section 1 of this order, such reduction may extend to all points in the group which take the same rates as does the point from or to which the rate has been reduced.

SEC. 4. Where through rates are in effect which exceed the lowest combination of rates lawfully published and filed with the Commission, carriers may correct said through rates by reducing the same to equal such lowest combination.

SEC. 5. A longer line or route may reduce the rates in effect between the same points or groups of points to meet the rates of a shorter line or route when the present rates via either line do not conform to the fourth section of the Act, under the following circumstances:



SUPPLEMENT NO. 4 TO TARIFF CIRCULAR NO. 18-A.

Paragraph (f) of Rule 14, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted January 12, 1914.)

(f) Rates prescribed by the Commission in its decisions and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs, or supplements to tariffs, and notice shall be sent to the Commission that its order in Case No. — has been complied with in item —, page — of — tariff, I. C. C. No. —, or supplement — to — tariff, I. C. C. No. —.

In establishing rates or regulations under an order of the Commission in a formal case, carrier or carriers that are actually and on the record parties to the case, or that are lawful parties to a joint tariff in which the rate or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission's order commodity or commodities that are grouped with that or those which are specified in the order; and may also include adjustment at other points in order to preserve established grouping or relation of points, and may also include adjustment of rates to same points on other commodities for the purpose of maintaining established relation of rates between commodities: *Provided*, all such changes made by authority of this Rule shall be effected by *reductions* in rates or charges.

If carrier that is not so party to the case or to the joint tariff desires to make on less than statutory notice the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

Unless otherwise specified in the order in the case such tariff or supplement must be made effective upon statutory notice to the Commission and to the public, and whether made effective on less than statutory notice under special authority granted in the order in the case, or upon statutory notice, shall bear on its title-page notation "In compliance with order of Interstate Commerce Commission in Case No. —."

If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

Paragraph (n) of Rule 41, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted January 12, 1914.)

(n) Fares prescribed by the Commission in its decisions and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs or supplements to tariffs, and notice shall be sent to the Commission that its order in Case No. — has been complied with in item —, page —, of — tariff, I. C. C. No. —, or supplement — to — tariff, I. C. C. No. —.

In establishing fares or regulations under an order of the Commission in a formal case, carrier or carriers that are actually and on the record parties to the case, or that are lawful parties to a joint tariff in which the fare or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission's order adjustment at other points in order to preserve established grouping or relation of points: *Provided*, All such changes made by authority of this Rule shall be effected by *reductions* in fares or charges.

If carrier that is not so party to the case or to the joint tariff desires to make, on less than statutory notice, the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

Unless otherwise specified in the order in the case, such tariff or supplement must be made effective upon statutory notice to the Commission and to the public, and whether made effective on less than statutory notice under special authority granted in the order in the case, or upon statutory notice, shall bear on its title-page notation "In compliance with order of Interstate Commerce Commission in Case No. —."

If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

Rule 77, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted January 12, 1914.)

77. PUBLISHING AND FILING TARIFFS UNDER AMENDED FOURTH SECTION OF THE ACT:

(a) If tariffs containing commodity rates applicable from points of production provide for their application from intermediate points not named, it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named. If such tariffs do not provide for application from intermediate points, they would conflict with the amended fourth section of the Act whenever the class rate or a

combination from an intermediate point exceeds the commodity rate from a more distant point.

Ordinarily, rates to intermediate points of destination not named in the tariff can properly and should be provided for by a clause in the tariff authorizing the application of its rates to intermediate points of destination (see Rule 68), but there may be instances where the intermediate application of rates is impracticable or where conflicting rates would result from the establishment of such intermediate application.

Tariffs should not contain volumes of unnecessary rates, and it is undesirable to require the posting of large numbers of tariffs at points from which no shipments are likely to move. Therefore, until further ordered, carriers may file tariffs containing commodity rates applicable from known points of production or to known points of consumption without making such rates applicable from or to all intermediate points. Each such tariff shall bear on its title-page the following notation:

By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff (these rates) is not (are not) made applicable from (or to) all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect from (or to) more distant points will, under authority granted by the Interstate Commerce Commission, be established from (or to) any intermediate point hereunder upon one day's notice to the Commission and to the public.

In observance of the foregoing tariff provision carriers may on one day's lawful notice to the Commission and to the public extend the application of the rates shown in the tariff by establishing commodity rates from or to intermediate points which do not exceed the rates from or to the more distant point on same line or route, provided no increase is thereby made in any existing rate or charge.

A tariff or supplement containing commodity rates issued upon short notice under authority of paragraph (a) of this Rule must bear on its title-page or in connection with the item containing the rate the following notation:

Issued under authority of Rule 77 (a) of Interstate Commerce Commission Tariff Circular No. 18-A. The rate from (or to) the more distant point appears in _____ tariff I. C. C. No. _____, item (or page) _____.

(b) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge higher rates or fares for shorter than for longer distances over the same line or route, the title-page of each tariff issued and filed under such authority must bear the following notation:

This tariff contains rates (or fares) that are higher for shorter distances than for longer distances over the same route, such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Fourth Section Order (or Orders), as indicated in individual items herein.

In connection with the item or items containing the rates or fares as to which such authority has been granted, specific reference to the Commission's Fourth Section Order number and date thereof must be given, except that in instances where all of the rates or fares in the tariff or supplement are covered by one Fourth Section Order reference to the number and date thereof may be upon the title-page of the publication. When a general Fourth Section Order is referred to, the particular section thereof granting such authority must be shown in addition to the Order number.

(c) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge rates or fares higher than the aggregate of the intermediate rates or fares subject to the Act, the title-page of each tariff issued and filed under such authority must bear the following notation:

This tariff contains rates (or fares) that exceed the sums of the intermediate rates (or fares) subject to the Act. Such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Fourth Section Order (or Orders), as indicated in individual items herein.

In connection with the item or items containing the rates or fares as to which such authority has been granted, specific reference to the Commission's Fourth Section Order number and date thereof must be given, except that in instances where all of the rates or fares in the tariff or supplement are covered by one Fourth Section Order reference to the number and date thereof may be upon the title-page of the publication.

(d) Nothing in this Rule may be construed as waiving any of the provisions of the amended fourth section of the Act to regulate commerce.

A true copy.

GEORGE B. MCGINTY,
Secretary.



SUPPLEMENT NO. 3 TO TARIFF CIRCULAR NO. 18-A
CANCELS SUPPLEMENT NO. 2, AND INCLUDES ALL CHANGES TO DATE HEREOF

INTERSTATE COMMERCE COMMISSION

SUPPLEMENT

TO

REGULATIONS

TO GOVERN THE

**CONSTRUCTION AND FILING OF FREIGHT
TARIFFS AND CLASSIFICATIONS AND
PASSENGER FARE SCHEDULES**

ADMINISTRATIVE RULINGS

**ISSUED BY ORDER OF COMMISSION
FEBRUARY 4, 1913**



WASHINGTON

1913

Published by the Association

SHIPPING

AND MARITIME

TRAFFIC

COMMITTEE ON THE
TARIFF AND
TRAFFIC



Published by the Association
1908

SUPPLEMENT NO. 3 TO TARIFF CIRCULAR NO. 18-A.

Paragraph (a) of Rule 8, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 5, 1912.)

[Reissue from Supplement No. 2.]

(a) If a tariff or supplement to a tariff is issued which conflicts with a part of another tariff or supplement to the same or another tariff which is in force at the time, and which is not thereby canceled in full, it shall specifically state the portion of such other tariff or such other supplement which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date, in the regular way; that is, by reissue if tariff is of less than five pages, and by reissue or supplement if tariff is of more than five pages. Such reissue or supplement must state where rates will thereafter be found and must be filed at the same time and in connection with the tariff which contains the new rates. It will not be necessary to give on commodity tariff or supplement reference to class-rate tariffs that may be affected, nor to give on class-rate tariffs or supplements reference to commodity tariffs, except as provided in Rule 56.

Paragraph (i) of Rule 9, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913.)

(i) In case of change of ownership or control of a carrier, or when a road or a part of a road is transferred from the operating control of one company to that of another, or when its name is changed, the carrier which will thereafter operate the road, if it intends to use the tariff publications and rates of the former operating company, shall issue, file, and post, with I. C. C. number, an adoption notice substantially as follows:

The [name of carrier] hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Interstate Commerce Commission by the [name of old carrier] prior to [date] the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which have been heretofore filed with said Commission.

This notice may be made effective and be filed on immediate notice. Similar adoption notice must be filed by a receiver when assuming possession and control of a carrier's lines.

Concurrences and powers of attorney so adopted by a carrier must, as soon as possible, be replaced and superseded by new concurrences and powers of attorney issued by and in the name of the new carrier or company, and in each instance canceling the concurrence or power of attorney superseded.

Paragraph (j) of Rule 9, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913.)

(j) A carrier whose line is absorbed, taken over, or purchased by another carrier shall unite with that other carrier in the publication and filing of common supplements to the tariffs on file with the Commission, on the one hand withdrawing, and on the other hand accepting and establishing such tariffs and all effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and the new carriers, shall be numbered consecutively as supplements to the tariffs (even if of less than five pages) to which they are directed, and may be made effective on *immediate* notice to the public and the Commission by noting thereon reference to this Rule. Such common supplements will not be counted against the number of supplements permitted to such tariff under paragraph (e) of Rule 9. Amendments to such tariffs must thereafter be filed in consecutively numbered supplements thereto until the tariffs are reissued. New tariffs reissuing or superseding these shall be numbered in the I. C. C. series of the new carrier.

The carrier surrendering control of the property has no lawful right to abandon its tariffs except on lawful notice, and when it surrenders control of the property it surrenders all right to publish rates applicable thereto except under proper authority from the carrier or company to whose control the property passes. The public has a right to available and lawfully applicable rates over that property.

Paragraph (k) of Rule 9, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913.)

(k) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a tariff or classification, rate, charge, regulation, or practice, the following course shall be pursued by carriers:

Upon receipt of order of suspension of any publication in its entirety the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement stating that such

schedule is under suspension and may not be used until further and proper notice, or until such specified date as the suspension order of the Commission may name, and that rates theretofore in effect and which were to be changed by the suspended publication will remain in effect. Such supplement shall state by I. C. C. number or numbers the tariff or tariffs in which rates, classifications, charges, or regulations so restored will be found.

Upon receipt of order of suspension of parts of a publication which, except as to such parts, is allowed to become effective, the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement containing a copy of the Commission's order of suspension and stating that the part or parts of such schedule specified in the order are under suspension and may not be applied or charged until further notice, or until such specified date as the suspension order of the Commission may name. Such supplement shall also contain in reissued items the rates, classifications, charges, or regulations applicable during the period of suspension or shall give specific reference, by I. C. C. number or numbers, to the tariff or tariffs or supplements thereto, in which they will be found.

The title-page of every suspension supplement issued under authority of this Rule must bear date of issue, but no effective date, inasmuch as the suspension is effective from the date of filing and serving the Commission's suspension order.

When the Commission vacates an order of suspension made by it under authority of section 15 of the Act, as amended, the carrier or agent who published and filed such suspended tariff or supplement shall *immediately* file with the Commission a supplement stating the date upon which, under authority of the vacating order, the rate, classification, charge, regulation, or practice becomes effective. Such supplement may not be given a retroactive effective date.

Every suspension or vacating supplement issued under authority of this Rule must bear on title-page the following notation:

Issued under authority of Rule 9 (*k*) Tariff Circular 18-A and in compliance with Investigation and Suspension Order No. — of the Interstate Commerce Commission, of [date] 19—.

Such supplements will not be counted against the number of supplements permitted to such tariff under paragraph (*e*) of Rule 9.

Every supplement issued under this Rule must be forthwith posted in every depot, station, office, or other place where the schedule affected by the order of suspension or vacation is posted, and should be given the same general distribution.

As an assistance in taking care of the ordinary changes in rates which may be necessary during the period of suspension of an entire tariff or supplement, or any portion thereof, the tariff remaining in

effect as a result of such suspension may be further amended without regard to the Commission's Rule as to the volume of supplemental matter which the effective supplements in the aggregate may contain, but the Commission's Rule prohibiting the supplementing of tariffs of less than five pages must be observed. Desired changes in tariffs of less than five pages must be made by reissue. If the suspended tariff subsequently becomes effective, such tariff as may be reissued during the period of suspension must be canceled in the regular way.

A new or changed rate, rule, or regulation made effective during the period of suspension shall remain in force for the statutory period of 30 days.

No change may be made in a suspended item or items, nor in a tariff or supplement which has been suspended in its entirety, except by special permission of the Commission.

When a six months' tariff or a supplement to a six months' tariff, or any portion thereof, is suspended by the Commission, the previous tariff and effective supplements will remain in force until lawfully changed or reissued, and the fixed period for the reissue of such six months' tariff may be deferred for the period of suspension of the tariff or supplements thereto.

The title-page of the six months' tariffs referred to above should be corrected by supplement to announce that the tariff will not be reissued prior to [date to which suspended], 19—.

When the Commission suspends portions of a supplement to a tariff, such supplement shall be continued in force throughout the period of suspension and may not be canceled by a subsequent supplement or by a reissue of the tariff pending decision of the Commission in the case, except by special permission of the Commission. However, any items in such supplement, other than the suspended items, which it is desired to reissue or amend may be specifically reissued or canceled by corresponding items in a subsequent supplement. Such supplement containing suspended items will not be counted against the number of supplements permitted to such tariff under paragraph (e) of Rule 9, provided all items in such supplement, except the suspended portions thereof, are reissued in or canceled by the subsequent supplement.

Not infrequently, prior to the service of the Commission's suspension order, a carrier or its agent files a later supplement which contains in reissued items the portions of the previous supplement which are by such order suspended and also provides for the cancellation of such previous supplement. In such instances the supplement which the carrier is required to file giving public notice of such

suspension shall, in addition to containing a copy of the Commission's order of suspension, also note specifically the cancellation from the later supplement of the reissue of such suspended portions, shall provide by amendment to the title-page of such later supplement that it cancels only such portions of the previous supplement as are not suspended, and shall also contain in reissued items the rates, classifications, charges, or regulations applicable during the period of suspension or shall give specific reference, by I. C. C. number or numbers, to the tariff or tariffs, or supplements thereto, in which they will be found.

Paragraph (j) of Rule 10, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted December 12, 1911.)

[Reissue from Supplement No. 2.]

A tariff publication confined to information and regulations governing the use of tank cars or to information as to numbers, dimensions, capacities, etc., of freight cars may be issued, and, except as hereinafter specified, may be supplemented only on statutory notice or under special permission. Supplements to such publication which contain no changes except additions of cars not before listed, substitution of new cars for old cars, changes in ownership of cars, and corrections in marked capacities or dimensions of cars already listed may be issued and made effective upon one day's notice to the Commission and to the public as required by law.

In connection with this Rule, regulations as to number of supplements to a publication and the volume of supplemental matter that may be contained therein (Rule 9) must be observed; and when changes are made on short notice hereunder and are incorporated in supplements with other matter brought forward from previous supplements, such other matter must be plainly noted as reissued from a former supplement (see paragraph (d) of Rule 9), and no changes except those above specified may be included.

Amendments to Rules 11 and 39, Tariff Circular 18-A. (Adopted January 18, 1912.)

[Reissue from Supplement No. 2.]

A group of family lines may unite in the publication and filing by the parent line, or a duly authorized agent, of a joint index of the tariffs of such family lines, provided the application of the tariffs as to each line is plainly indicated and such lines are shown as parties to the joint index by concurrence or power of attorney.

Amendment to paragraph (b) of Rule 12, Tariff Circular 18-A.
(Adopted February 4, 1913.)

Paragraph (b) of Rule 12 is amended by adding thereto the following:

In instances where definite dates of closing and opening of navigation may be determined for each season of navigation the following rule may be incorporated in the tariff, instead of the two rules provided for in paragraph (b) of this Rule:

The rates in this tariff and in supplements thereto for rail-and-water and all-water transportation are effective only during the season of navigation of the [here insert the name of water carrier or carriers named in the tariff], which will be from [opening date] to [closing date], inclusive. From the latter date until the actual close of navigation [actual closing date], at which time such rates in this tariff will be wholly suspended, shipments will be accepted under this tariff only subject to the provision that in the event of such shipments being in excess of the available vessel capacity at time of arrival at port of transshipment or of arrival too late for forwarding by vessel the same will be forwarded via all-rail route and will be subject to the tariff rates via such all-rail route in effect on the date of shipment from the point of origin. Shipping receipts, bills of lading and waybills must bear notation to this effect.

The rates in this tariff or in effective supplements thereto for rail-and-water or all-water transportation which were in force when the rates were wholly suspended [closing date], or which have subsequently been made effective, will be restored and applied on and after [opening date].

Amendment to Rule 13, Tariff Circular 18-A. (Adopted February 5, 1912.)

[Reissue from Supplement No. 2.]

When an agent who issues and files tariffs under powers of attorney is succeeded by another agent, it becomes necessary to file notice of transfer of such authority and to cancel powers of attorney to the former agent, simultaneously with the filing of new powers of attorney in favor of the new agent.

It has been essential also, under such circumstances, that consolidated forms of concurrence, FX6, FX7, or FX8, in favor of carriers for which the former agent acted, be replaced by new consolidated forms, running to the principals of the new agent. When the same principals that appointed the former agent will be served by the new agent, without change, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent by issuing and filing for each of such concurrences a transfer notice stating that the concurrence naming the

former agent will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers.

The transfer notice shall be as follows:

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT.

TRANSFER NOTICE TO FX —, No. —,
—, 191—.

TO THE INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

Effective —, 191—, this company's concurrence, form FX—, No. —, naming [name of former agent] as agent for carriers therein listed, will authorize participation by this company in tariff publications issued and filed on behalf of the same carriers by [name of new agent].

[Name of carrier in full.]
By —, [Sig.]
— [Title.]

This form must be filed with the Commission not later than the date effective provided therein, must be printed or typewritten on paper 8 by 10½ inches in size, and must be signed by proper traffic officer of the issuing company, but shall not bear serial number other than that of the concurrence form to which it applies.

When changes will occur in the list of carriers for which the new agent will act, cancellation of concurrences naming former agent, and issuance of new concurrences naming the new agent, will be necessary as heretofore.

Amendments to Rules 14 (i) and 41 (r), Tariff Circular 18-A. (Adopted February 5, 1912.)

[Reissue from Supplement No. 2.]

Tariffs sent for filing must be addressed "Interstate Commerce Commission, Division of Tariffs, Washington, D. C."

Amendment to Rule 15, Tariff Circular 18-A. (Adopted April 10, 1911.)

[Reissue from Supplement No. 1.]

Rules and regulations governing switching, deliveries, lighterage, and other terminal charges, together with provisions for absorption of same, as same are lawfully on file with the Commission, applicable at points reached by terminal carriers lawfully parties to a billing or instruction book authorized by this Rule, may be reproduced in such billing or instruction book, for the information of shippers.

Such reproduction must be in a separate section of the book, and each page of such section must bear in conspicuous form at the top thereof the following notation:

FOR INFORMATION ONLY.

These rules and regulations are reproduced here under Rule 15, of the Interstate Commerce Commission's Tariff Circular No. 18-A, for information only, and in case of conflict between the information here given and the rules and regulations of carriers parties hereto as lawfully on file with the Commission, the tariffs on file with the Commission will take precedence and apply.

The reproduced terminal rules must be stated separately, must show the name or names of the carrier or carriers whose rules they are, and each such entry must bear introductory note as follows:

Reproduction from ——— Tariff I. C. C. No. —, filed with the Interstate Commerce Commission, to take effect ———, 19—.

Paragraph (g) of Rule 38, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913.)

(g) In case of change of ownership or control of a carrier, or when a road or a part of a road is transferred from the operating control of one company to that of another, or when its name is changed, the carrier which will thereafter operate the road, if it intends to use the tariff publications and fares of the former operating company, shall issue, file, and post, with I. C. C. number, an adoption notice substantially as follows:

The [name of carrier] hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Interstate Commerce Commission by the [name of old carrier] prior to [date] the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which have been heretofore filed with said Commission.

This notice may be made effective and be filed on immediate notice.

Similar adoption notice must be filed by a receiver when assuming possession and control of a carrier's lines.

Concurrences and powers of attorney so adopted by a carrier must, as soon as possible, be replaced and superseded by new concurrences and powers of attorney issued by and in the name of the new carrier or company, and in each instance canceling the concurrence or power of attorney superseded.

Paragraph (h) of Rule 38, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913.)

(h) A carrier whose line is absorbed, taken over or purchased by another carrier, shall unite with that other carrier in the publication and filing of common supplements to the tariffs on file with the Commission, on the one hand withdrawing, and on the other hand accepting and establishing such tariffs and all effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and the new carriers, shall be numbered consecutively as supplements to the tariffs (even if of less than five pages) to which they are directed, and may be made effective on *immediate* notice to the public and the Commission by noting thereon reference to this Rule. Such common supplements will not be counted against the number of supplements permitted to such tariff under paragraph (d) of Rule 38. Amendments to such tariffs must thereafter be filed in consecutively numbered supplements thereto until the tariffs are reissued. New tariffs reissuing or superseding these shall be numbered in the I. C. C. series of the new carrier.

The carrier surrendering control of the property has no lawful right to abandon its tariffs except on lawful notice, and when it surrenders control of the property it surrenders all right to publish rates applicable thereto except under proper authority from the carrier or company to whose control the property passes. The public has a right to available and lawfully applicable rates over that property.

Amendment to paragraph (b) of Rule 40, Tariff Circular 18-A.
(Adopted February 4, 1913.)

Paragraph (b) of Rule 40 is amended by adding thereto the following:

In instances where definite dates of closing and opening of navigation may be determined for each season of navigation the following rule may be incorporated in the tariff, instead of the two rules provided for in paragraph (b) of this Rule:

The fares in this tariff and in supplement thereto for rail-and-water and all-water transportation are effective only during the season of navigation of the [here insert the name of water carrier or carriers named in the tariff], which will be from [opening date] to [closing date], inclusive.

The fares in this tariff or in effective supplement thereto for rail-and-water or all-water transportation which were in force when the fares were wholly suspended [closing date], or which have subsequently been made effective, will be restored and applied on and after [opening date].

Amendment to Rule 41, Tariff Circular 18-A. (Adopted February 5, 1912.)

[Reissue from Supplement No. 2.]

When an agent who issues and files tariffs under powers of attorney is succeeded by another agent, it becomes necessary to file notice of transfer of such authority and to cancel powers of attorney to the former agent simultaneously with the filing of new powers of attorney in favor of the new agent.

It has been essential also, under such circumstances, that consolidated forms of concurrence, PX6, PX7, or PX8, in favor of carriers for which the former agent acted, be replaced by new consolidated forms, running to the principals of the new agent. When the same principals that appointed the former agent will be served by the new agent, without change, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent by issuing and filing for each of such concurrences a transfer notice stating that the concurrence naming the former agent will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers.

The transfer notice shall be as follows:

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT.

TRANSFER NOTICE TO PX—No. —, ———, 191—.

TO THE INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

Effective ———, 191—, this company's concurrence, Form PX—, No. —, naming [name of former agent] as agent for carriers therein listed, will authorize participation by this company in tariff publications issued and filed on behalf of the same carriers by [name of new agent].

[Name of carrier in full.]
By ——— ———, [Sig.]
—————. [Title.]

This form must be filed with the Commission not later than the date effective provided therein, must be printed or typewritten on paper 8 by 10½ inches in size, and must be signed by proper traffic officer of the issuing company, but shall not bear serial number other than that of the concurrence form to which it applies.

When changes will occur in the list of carriers for which the new agent will act, cancellation of concurrences naming former agent, and issuance of new concurrences naming the new agent, will be necessary as heretofore.

Paragraph (a) of Rule 52, Tariff Circular 18-A is amended so that it will read as follows: (Adopted December 2, 1912).

52. ROUND-TRIP EXCURSION FARES (issued October 12, 1906).—(a) It is the opinion of the Commission that the provisions of the amended sixth section in respect of the publishing, filing, and posting of tariffs apply to the mileage, excursion, and commutation fares authorized by the twenty-second section. Such a fare when first established or offered is held to be a change of fare which requires a notice of 30 days. No reason appears why this notice should not be given in the case of mileage fares, commutation fares, round-trip fares, or other reduced fares which, like ordinary passenger fares, are established for an indefinite period and appear to be a matter of permanent policy. Strictly excursion fares, however, covering a named and limited period, are of a different character in this regard and may properly be established on much shorter notice.

To avoid the necessity for special application in cases of this kind the Commission has made a general order fixing the following-named time of notice of round-trip excursion fares, and carriers may govern themselves accordingly.

Fares for an excursion limited to a designated period of not more than three days may be established without further notice, upon posting a tariff one day in advance in two public and conspicuous places in the waiting room of each station where tickets for such excursion are sold and mailing a copy thereof to the Commission, except that railroads in the Territory of Alaska may establish these excursion fares upon posting the tariff and mailing copy thereof to the Commission.

Fares for an excursion limited to a designated period of more than 3 days and not more than 30 days may be established upon a like notice of 3 days.

Fares for a series of daily excursions, such series covering a period not exceeding 30 days, may be established upon like notice of 3 days as to the entire series, and separate notice of the excursion on each day covered by the series need not be given.

Fares for an excursion limited to a designated period exceeding 30 days will require the statutory notice unless shorter time is allowed in special cases by the Commission.

Third paragraph of Rule 64, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted February 4, 1913).

(Issued January 7, 1908.) Paragraph (d) of Rule 4, and paragraph (c) of Rule 34, provide that a tariff shall contain complete alphabetical indexes of the points from and to which it applies. This is not to be understood as prohibiting the incorporation in a tariff

of a rule providing for the affirmative and definite application of the class rates or the fares named in that tariff to or from points *not indexed* therein and which are directly intermediate on the same line with more distant points that are indexed.

Tariffs may provide for the affirmative and definite application of commodity rates by the incorporation therein of a rule substantially as follows:

From any point of origin or to any point of destination from or to which a rate on a specific commodity is not named in this tariff, located on the same line between any two points of origin or destination from or to which rates are named on the same commodity, the rate on such commodity from or to such intermediate point will be the same as the rate from or to the next more distant point from or to which a rate is named herein; provided no specific rate on the same commodity from the same point of origin to the same point of destination is published in some other tariff.

Paragraphs (c), (e), and (f) of Rule 68, Tariff Circular 18-A, are amended so that they will read as follows: (Adopted January 3, 1912.)

[Reissue from Supplement No. 2.]

(c) A carrier has no means of preventing another carrier from naming it as a party to a joint tariff without proper authority so to do, or of preventing another carrier from exceeding the authority conferred by a limited concurrence. It can not, however, be bound by such unauthorized act and it is its obvious duty to refuse to recognize or apply any such unlawful issue. It should also at once call the attention of the Commission and of the one that issued the tariff to such erroneous action.

(e) Responsibility and liability for the unlawful incorporation of any carrier in a tariff, or for exceeding the authority conferred by a limited concurrence, will rest wholly upon the carrier that issued the tariff; or, if a tariff is issued by a joint agent and attorney for two or more carriers, will rest upon each of his principals that accepts and forwards the business under that tariff. Such responsibility and liability will be measured by the difference between the charges under the tariff as it is published, filed, and posted, and as it would have been if no carrier had been improperly named as party thereto, or if the authority conferred by the concurrence of a participating carrier had not been exceeded.

(f) In passing upon a complaint of overcharge, or demand for payment of undercharge, growing out of improper or unlawful inclusion of any carrier in the list of participating carriers, or of exceeding the authority conferred by a limited concurrence, in the tariff under which the business was accepted and forwarded, the Commission will apply the principles above stated.

Paragraph (a) of Rule 71, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted December 2, 1912.)

(a) The inland carriers of traffic exported to or imported from a foreign country not adjacent must publish their rates and fares to the ports and from the ports, and such rates or fares must be the same for all, regardless of what ocean carrier may be designated by the shipper or passenger.

In order to avoid controversies and questions, tariffs hereafter issued containing rates applicable to export or import traffic shall specify by inclusion or exclusion the countries to or from which shipments to which such rates are applicable shall move, whether such countries are, or are not, adjacent to the United States.

In the interest of clearness the tariffs should also specify whether or not shipments to or from Cuba, the Philippine Islands, Porto Rico or the Canal Zone are included. For convenience, and without regard to the political status and relation of the Philippines, Porto Rico and the Canal Zone to the United States, they, together with Cuba, are for these purposes to be classed with foreign countries.

Fourth paragraph of Rule 72, Tariff Circular 18-A, is amended so that it will read as follows: (Adopted October 9, 1911.)

[Reissue from Supplement No. 2.]

Rates on freight traffic from a point in Canada through the United States to a point in Canada may be changed upon a notice of 30 days as to advances in rates and 3 days as to reductions in rates given to the Commission and the public in manner required by law, provided such freight traffic moves in bond and that no transit or stop-over privilege is allowed thereon within the United States, and that tariff so states; and provided further, that such rates be published in tariffs which contain only rates on traffic that has neither origin nor destination in the United States.

Cancellation of Rule 76, Tariff Circular 18-A. (Adopted February 10, 1913.)

Rule 76, Substituting Tonnage at Transit Point, is hereby canceled. (See *The Transit Case*, 26 I. C. C., 204.)

ADDITION.

Rule 78.—Permission for changes on less than statutory notice in rates and fares between points in Alaska: (Adopted August 26, 1912.)

Rates on freight traffic and passenger fares from a point in the Territory of Alaska to another point in the Territory of Alaska, or

between points in said Territory, may be changed upon notice of 10 days as to *reductions* in rates or fares given to the Commission and to the public in manner required by law. As to advances in rates or fares, full statutory notice of changes must be given to the Commission and to the public in manner required by law, unless shorter time is allowed in special cases by special permission of the Commission (see Rule 58).

Each supplement to a tariff, or each tariff publication in which reductions in rates or fares are made on less than statutory notice under authority of this Rule, shall bear on its title-page the notation, "Issued under authority of Rule 78, Interstate Commerce Commission Tariff Circular 18-A."

A true copy:

JOHN H. MARBLE,
Secretary.



TARIFF CIRCULAR NO. 18-A

CONTAINS REVISION OF AND CANCELS TARIFF CIRCULAR 17-A AND SUPPLEMENT NO. 1. ALSO CANCELS SPECIAL ORDERS NO. 4, NO. 7, AND NO. 11, AND SPECIAL CIRCULARS (BUREAU OF TARIFFS) NO. 8 AND NO. 9.

INTERSTATE COMMERCE COMMISSION

REGULATIONS

TO GOVERN THE

CONSTRUCTION AND FILING OF FREIGHT TARIFFS AND CLASSIFICATIONS AND PASSENGER FARE SCHEDULES

ADMINISTRATIVE RULINGS

REVISED BY ORDER OF COMMISSION

Approved February 13, 1911
Effective March 31, 1911
(Except as noted in individual items)

**WASHINGTON
GOVERNMENT PRINTING OFFICE
1911**

**REGULATIONS ISSUED BY THE INTERSTATE COMMERCE COMMISSION,
UNDER AUTHORITY OF SECTION 6 OF THE ACT TO REGULATE COM-
MERCE AS AMENDED JUNE 18, 1910, TO GOVERN THE CONSTRUCTION
AND FILING OF FREIGHT TARIFFS AND CLASSIFICATIONS, AND PASSENGER
FARE SCHEDULES, BY COMMON CARRIERS WHOLLY BY RAILROAD
OR PARTLY BY RAILROAD AND PARTLY BY WATER, AS DEFINED IN
SAID ACT.**

Approved February 13, 1911.

Effective March 31, 1911.

(Except as noted in individual items.)

FREIGHT TARIFFS AND CLASSIFICATIONS.

Astar (★) denotes that a change or addition has been made in either the rule or paragraph.

★ When provisions for rejection of publications that do not conform to these regulations have been omitted it is to avoid conflict with the penalties provided in section 6 of the Act for failure to comply with rules and orders of the Commission, issued under that section.

★ Tariffs that were lawfully on file with the Commission on May 1, 1907, and that have not since that time been superseded or canceled, will, except as provided in paragraph (g) of Rule 68, be considered as continued in force until they can be properly reissued. All tariffs filed on or after May 1, 1911, must, except as otherwise specified herein, conform to all of these rules. The Commission may direct the reissue of any tariff at any time.

The term "joint rate," as used herein, is construed to mean a rate that extends over the lines of two or more carriers and that is made by agreement between such carriers.

"Joint tariffs" are those which contain or are made up from such "joint rates."

Tariffs must be printed.

★1. All tariffs must be printed on hard calendered paper of good quality from type of size not less than 6-point full face. Stereotype, planograph, or other printing-press process may be used. Alterations in writing or erasures must not be made in tariffs before filing. Reproductions by hectograph or similar process, type-written sheets, or proof sheets must not be used for posting or filing.

Form and size of tariff.

All tariffs must be in book, sheet, or pamphlet form, and of size 8 by 11 inches. Loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf. (See Rule 9 (e).)

Changes to be indicated in tariff or supplement.

★2. (a) All tariff publications or supplements thereto must indicate increases thereby made in existing rates or charges, rules or regulations, or classifications by the use of black-faced type or by the use of a uniform symbol throughout the schedule. All tariff publications or supplements thereto which are filed with the Commission on or after May 1, 1911, must also indicate reductions thereby made in existing rates or charges, rules or regulations, or classifications by the use of italic type or by the use of a uniform symbol throughout the schedule. Clear explanation of the use of distinctive type or symbols must be made in the tariff.

(b) When a new tariff canceling a previous tariff omits points of origin or destination or rates which were contained in such previous tariff, the new tariff shall show, in the manner prescribed in paragraph (e) of Rule 8, where the rate or rates will thereafter be found, and if such omissions effect increases or decreases in charges that fact shall be shown by the use of proper symbols.

Title-page shall show:

Name of carrier.

I. C. C. number and cancellations.

3. The title-page of every tariff shall show:

(a) Name of issuing carrier, carriers, or agent.

(b) I. C. C. number of tariff in bold type on upper right-hand corner, and immediately thereunder, in smaller type, the I. C. C. number or numbers of tariffs canceled thereby. If the number of canceled tariffs is so large as to render it impracticable to thus enter them on the title-page, they must be shown immediately following the table of contents, and specific reference to such list must be entered on title-page immediately under the I. C. C. number of the tariff. Serial numbers of carriers may, if desired, be entered below the upper marginal line of title-page. Separate serial I. C. C. numbers will be used for freight and passenger tariffs.

★(c) Whether tariff is local, joint, proportional, or a combination of same and whether class, commodity, or a combination of both. Kind of tariff.

★(d) The territory or points from and to which the tariff applies, briefly stated. Territory.

(e) Reference by name and I. C. C. number to the classification and exception sheets governing the tariff. Reference to governing classification and exception sheets. Following form will be used: "Governed, except as otherwise provided herein, by the ——— classification, ———, I. C. C. No. —, supplements thereto and reissues thereof; and by exceptions to said classification, ——— I. C. C. No. —, supplements thereto and reissues thereof." A tariff is not governed by a classification or exceptions thereto except when and to the extent stated on the tariff.

(f) Date of issue and date effective. Any tariff may be changed upon statutory notice of thirty days, or, under special permission from the Commission, upon shorter notice. Therefore, a provision in a tariff that the same, or any part thereof, will expire upon a given date, is not a guaranty that the tariff, or such part of it, will remain effective until that date. The Commission considers such expiration notices undesirable, as many complications have arisen through their being overlooked. Such provision, if used, must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way. On such tariffs the term "Expires —, unless sooner canceled, changed, or extended," must be used. Dates. Expiration notice.

(g) On every tariff or supplement that is issued on less than thirty days' notice by permission or order or regulation of the Commission, notation that it is issued under special permission or order of the Interstate Commerce Commission, No. —, of [date] ———, or by authority of Rule —, Tariff Circular 18-A, or by authority of decision of the Commission in case No. —. (See Rule 14.) When issued by permission or order of Commission on less than statutory notice.

(h) On upper left-hand corner of tariffs of less than 5 pages and on tariffs issued in loose-leaf form, the words: "No supplement to this tariff will be issued except for the purpose of cancelling the tariff." On tariffs containing 5 and not more than 16 pages, inclusive: "Only one supplement to this tariff will be in effect at any time." On tariffs containing 17 and not more than 111 pages, inclusive: "Only two supplements to this tariff will be in effect at Notice of supplements.

any time." On tariffs containing over 111 pages: "Only three supplements to this tariff will be in effect at any time."

On a tariff which provides for suspension and restoration of rail-and-water rates, as authorized by Rule 12, the following exception should be made in connection with the above notations: "except as provided for in rule — (or item —), page —, of this tariff."

Officer issuing. (i) Name, title, and address of officer by whom tariff is issued.

Tariffs shall contain: 4. Tariffs in book or pamphlet form shall contain in the order named:

Table of contents. (a) Table of contents: A full and complete statement in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title-page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

Participating carriers. * (b) Names of issuing carriers, including those for which joint agent issues under power of attorney, and names of carriers participating under concurrence, alphabetically arranged. If there be not more than ten participating carriers their names may be shown on the title-page of the tariff. The form and number of power of attorney or concurrence by which each carrier is made party to the tariff must be shown.

Show concurrence numbers.

Index of commodities. * (c) Alphabetically arranged and complete index of all commodities upon which commodity rates are named, preceded by a paragraph, viz: "Following list enumerates only such articles as are given specific rates; articles not specified will take class rates." All of the items relating to different kinds or species of the same commodity will be grouped together. For example, all items of coal under "Coal," and descriptive word or words following, as "Coal," "Coal—Anthracite," "Coal—Bituminous," etc.

Include all articles upon which commodity rates are named in other tariffs.

The index to a general commodity tariff or a combined class and commodity tariff shall also include in alphabetical order all articles upon which commodity rates are named in other tariffs applying from any point of origin to any point of destination named in the tariff, and with such entry shall be shown the number or numbers of tariffs in which such rates are found. For ex-

ample, "Lime, I. C. C. No. 122," or "Staves, I. C. C. No. 1042." Carriers' tariff numbers may be also shown.

A commodity item which refers to a list of articles taking one commodity rate need be indexed but once provided reference is given to the item or the I. C. C. number of the issue that contains list of the articles embraced in the term. For example, "Agricultural implements, as described in item — of this tariff," or "as described in Western Classification, I. C. C. No. —," or "Packing-House Products, as described in ——— Tariff, I. C. C. No. —." When such specific reference to list of articles embraced in the term is given, the several articles so embraced need not be indexed separately.

A local tariff on a single commodity, or a few commodities, shall contain all of that carrier's commodity rates on such commodity or commodities applying from any point of origin to any point of destination named in the tariff; and a joint commodity tariff shall contain all of the initial carrier's commodity rates on the same commodity or commodities applying from any point of origin to any point of destination named in the tariff via the route or routes authorized by the tariff. If there be not more than ten such commodities they may be named on the title-page of the tariff.

If all of the commodity rates to each destination in the tariff are arranged alphabetically by commodities, and plain reference thereto is given in table of contents, further or other index of commodities may be omitted from that tariff, provided that, if the issuing carrier, or a participating carrier, has in other tariff or tariffs commodity rates applying from any point of origin to any point of destination named in the tariff, a complete list in alphabetical order by commodities of such other tariffs, together with description of character of traffic, territory or points of origin and of destination, and the I. C. C. numbers of tariffs containing such commodity rates shall be shown in the first part of the tariff and shall be specifically referred to in the table of contents.

(d) An alphabetical index of points from which rates apply, and an alphabetical index of points to which rates apply, together with names of States in which located. When practicable, the index numbers of points and pages upon which rates will be found, or item numbers in which rates from or to such points appear, should be

shown. If there be not more than 12 points of origin or 12 points of destination, the name of each may, if practicable, be specified on title-page of tariff.

If a tariff is arranged by groups of origin or destination, by bases, or by bases numbers, the indices must show for each point the proper group, basis, or basis number.

Alphabetical
arrangement
of
points in rate
tables.

If points of origin or of destination are shown throughout the rate tables in continuous alphabetical order, or are shown alphabetically by States and such States are alphabetically arranged, or are shown by groups alphabetically arranged, no index of points of origin or destination will be required. But when such alphabetical arrangement in rate tables is used the table of contents shall indicate the pages upon which points are so shown, and when arranged by States or groups shall give specific reference to the pages on which rates to or from points in each State or group will be found.

If a tariff is constructed so as to state rates by groups or bases, and also states specific rates to or from individual points, it shall contain an alphabetical index of such individual points and also alphabetical lists of the points in such groups, or reference to the I. C. C. number of issue which contains lists of such group points.

Geographical
description.

Geographical description of application of tariff may be used only when the tariff applies to or from all points in one or more States or Territories or when it applies to or from all points in a State or Territory except those specified. But such list of exceptions for a single State or Territory may not exceed one-third of the number of points in that State or Territory to or from which (as the case may be) the tariff will apply. For example, a tariff may state that it applies from all points in New York, Pennsylvania, and New Jersey, and from all points in Delaware, except [here give alphabetical list of excepted points], and from the following points in Ohio [here give alphabetical list of Ohio points].

Territorial or
group descrip-
tions.

Traffic territorial or group descriptions may be used to designate points to or from which rates named in the tariff apply, provided a complete list of such points arranged by traffic territories or groups is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list. In this list the points in each traffic territorial or group description shall be arranged alphabetically, and the name or names of roads upon which points are located must be shown;

or all of the points in traffic territories or groups named in the tariff may be included in one alphabetical index, provided (1) that points of origin and points of destination are shown separately, alphabetically; (2) that the name or names of roads upon which points are located and the traffic territorial or group description in which they belong are shown opposite the several points.

(e) Explanation of reference marks and technical abbreviations used in the tariff, except that a special rule or provision applying to a particular rate will be shown in connection with and on same page with such rate. Reference marks and abbreviations.

(f) List of exceptions, if any, to the classification governing the tariff which are not contained in exception sheets referred to on title-page. List of exceptions.

(g) Such explanatory statement in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application. Explanatory statements.

(h) Rules and regulations which govern the tariff, the title of each rule or regulation to be shown in bold type. Under this head all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except that a special rule applying to a particular rate shall be shown in connection with and on the same page with such rate. Rules governing the tariff.

No rule or regulation shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part. No rule shall authorize substituting rate found in any other tariff.

Tariffs which contain rates for the transportation of explosives must also contain notice that such rates are applicable in connection and in compliance with the regulations governing the transportation of explosives fixed by the Interstate Commerce Commission. If tariff is governed by classification, it will be sufficient to include this notice in the classification referred to as governing the tariff. (See Rule 65.) Rule for explosives.

A carrier or an agent may publish, under I. C. C. number, post, and file a tariff publication containing the rules and regulations which are to govern certain rate schedules, and such publication may be made a part of such rate schedules by the specific reference "Governed by rules and regulations shown in ——— I. C. C. No. —." Tariff rules and regulations filed and posted may be referred to in other schedules governed thereby.

When a tariff makes reference to another tariff the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or the name of such agent, respectively, must be shown in connection with the I. C. C. number.

A rate schedule may in like manner refer to another schedule for the governing rules and regulations.

A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted.

Rate tables.

*(i) An explicit statement of the rates, in cents or in dollars and cents, per 100 pounds, per barrel or other package, per ton or per car, together with the names or designation of the places from and to which they apply, all arranged in a simple and systematic manner. Minimum carload weights must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified a "gross ton," "long ton," or a "ton of 2,240 pounds." Complicated or ambiguous plans or terms must be avoided.

When a classification or exception sheet contains rules under which numerous commodities are classified as taking a percentage of a class rate (for example, rules similar to Rules 25 and 26 of the Official Classification), class-rate tariffs governed by such classification or exception sheet shall show specifically the rates applicable under such rules just as if those rules were additional numbered or lettered classes.

Routes.

(j) The different routes via which tariff applies may be shown, together with appropriate reference to application of rates. When a tariff specifies routing the rates may not be applied via routes not specified. A tariff may show the routing ordinarily and customarily to be used and may provide that, if from any cause shipments are sent via other junction points but over the lines of carriers parties to the tariff, the rates will apply.

If a tariff contains no routing directions the joint rates shown therein are applicable between the points specified via the lines of any and all carriers that are parties to the tariff; and shipper must not be required to pay higher charges than those stated in the tariff because the carriers have not agreed divisions of the rates via the

junction through which the shipment moves. If agent of carrier bills or sends shipment via a route or junction point that is covered by the tariff but via which no division of the rate applies, it is for the carriers to agree between themselves upon the division of the rate, and the intermediate or delivering carriers may demand from the carrier whose agent so missends shipment their full local rates for the services which they perform. (This must not be construed as conflicting with routing and misrouting rulings published in Conference Rulings Bulletins.)

*5. (a) The practice on part of carriers of accepting and transporting through shipments, as to which no joint rate applies, upon rates made up by combination of the rates of the several carriers participating in the movement, and of collecting, as delivering carriers, the aggregate charges of the several carriers upon such shipments, and of accounting to such carriers for their several portions of such charges, is practically universal. That custom has the same binding effect as a joint rate, both as between carriers themselves and as between carriers and shippers. Therefore carriers may construct rates for through shipments to and from points to and from which there is no applicable published joint rate, by using lawfully published and filed bases, locals or proportionals, in connection with other lawfully published and filed tariffs. In making up a combination rate all limitations which a tariff places upon the use of a basing, proportional, or arbitrary rate must be fully observed.

(b) Tariffs containing basing or proportional rates must specify clearly the extent and manner of their use, and tariffs that are especially intended for use in connection with published basing rates must show the I. C. C. numbers of tariffs in which bases can be found.

A carrier may provide in its tariffs that, in the absence of a specific rate from point of origin to destination of a through shipment, combination rate to or via certain points will be made upon specified basing point of points, or by using certain specified tariffs or rates, and the combination rate so specified will be the lawful rate for that shipment.

A carrier may incorporate in a tariff the following rule:

Rates to destinations or from points of origin not shown in this tariff will, in the absence of specific rate from point of origin to destination, be made by adding to the rates shown in this tariff the rates shown in other

Rates on through shipment when no joint rates apply.

Basing or proportional tariffs must be specific.

May specify basing points or factors for combination rate

tariffs lawfully on file with the Interstate Commerce Commission, but if the rate so made exceeds the rate to or from a point beyond on the same direct line or route as shown in this tariff, the latter rate will apply.

NOTE.—If a rate applies to or from a group or zone or blanket of points of origin or of destination, such rate will be considered as “named” or “shown” from each point within such properly described group, zone, or blanket.

When desired the following may be added:

Rates so made will apply via all routes authorized under this tariff to or from contiguous points of origin or of destination.

If shipment moves to or from a point of origin or of destination or via a junction point with connecting or branch line at which interchange is made *directly intermediate to the base point upon which the lowest combination makes*, such combination must be applied; and it is not necessary to haul the shipment to such base point and back again to or through point of origin or destination or such junction point.

★ NOTE.—Neither this rule nor any portion thereof is to be construed as conferring any authority to depart from the prohibitions of the fourth section of the Act against higher charges for shorter distances, and higher charges as a through route than the aggregate of the intermediate rates, or as modifying or authorizing departure from the Commission’s ruling that a specific class or commodity rate between two points is the lawful rate between those points regardless of any combination rate. It must also be understood that in a case where the lowest combination of rates makes on a base point as to which the point of origin or of destination is directly intermediate, a specific rate to or from such point that is higher than such combination is included in the Commission’s ruling that a through rate that is higher than the combination of intermediate rates between the same points is *prima facie* unreasonable. It must be further understood that in applying the lowest combination when it makes upon a base point as to which the point of origin or of destination is directly intermediate, the Commission expresses no opinion as to the reasonableness of a rate so constructed.

Lowest combination lawful rate.

(c) If no specific rate from point of origin to destination of a through shipment is provided, and no specific manner of constructing combination rate for it is prescribed, the lowest combination of rates applicable via the route over which the shipment moves is the lawful rate for that shipment.

Such combination through rate must be treated as a unit from the date of original shipment to the date of its arrival at destination, and the rate applied must be the combination of the rates which exists upon the date of original shipment. All of the conditions, regulations, and privileges obtaining as to any factor in such combination rate for through shipment at the time of original shipment upon such combination through rate must be adhered to and can not be varied as to that shipment during the period of transportation of such shipment to its final destination. A local or proportional rate "in" can not be absorbed, diminished, or affected by any "out" rate not in effect at the time when the traffic moved upon such local or proportional rate.

6. (a) The terms "common points," "Southeastern territory," or similar terms shall not be used in any tariff for the purpose of indicating the points from or to which rates named therein apply, unless a full list of such points is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list.

Limiting use of terms "common points," "grain products," etc.

The terms "grain products," "forest products," "petroleum and its products," "cottonseed products," or similar terms must not be used in any tariff for the purpose of indicating the articles to which the rates apply, unless a full list of the articles intended to be included in and covered by such terms is printed in the tariff or specific reference is given to I. C. C. number of issue that contains such list.

(b) Commodity rates must be specific and must not be applied to analogous articles.

Commodity rates must be specific.

7. (a) In every instance where a commodity rate is named in a tariff upon a commodity and between specified points such commodity rate is the lawful rate and the only rate that may be used with relation to that traffic between those points, even though a class rate or some combination may make lower. The naming of a commodity rate on any article or character of traffic takes such article or traffic out of the classification and out of the class rates between the points to which such commodity rate applies.

Commodity rate the only rate that can lawfully be used.

Class rates or commodity rates may be made for specified mixed shipments and will be the lawful rates for such mixtures, even though certain parts of the mixtures are covered by class or commodity rates when shipped separately.

Rates for mixed shipments.

Alternative rates in sectional tariff.

(b) If the alternative use of class or commodity rates is necessary or desired in any instance it may be provided by including in different sections of one and the same tariff such class and commodity rates, and by including in each section the specific rule "If the rates in Section — of this tariff make a lower charge on any shipment than the rates in Section — of this tariff, the rates in Section — will be applied." No rates may be so included in a tariff for alternative use excepting such as the carrier or agent who issues the tariff is lawfully authorized to publish and change; that is, rates issued by another carrier or agency may not be reproduced for such alternative use.

May not reproduce other carrier's or agency's rates for alternative use.

Rule for tariff which does not provide use of rates.

(c) Each tariff that contains class rates and that is not constructed in sections for alternative use of rates, as provided in paragraph (b) of this Rule, and that is issued or supplemented hereafter, shall also contain a rule as follows:

Whenever a carload (or a less-than-carload) commodity rate is established it removes the application of the class rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be).

Rule for tariff which does provide for alternative use of rates.

(d) Each tariff that contains class and commodity rates and that is constructed in sections for alternative use of rates as provided in paragraph (b) of this Rule, and that is issued or supplemented hereafter, shall also contain a rule as follows:

Whenever a carload (or a less-than-carload) commodity rate is established it removes the application of the class rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be), except when and in so far as alternative use of class and commodity rates that are contained in separate sections of this tariff is specifically authorized herein.

Rule in classification.

(e) Each classification that is issued or supplemented hereafter shall contain a rule as follows:

Whenever a carload (or a less-than-carload) commodity rate is established it removes the application of the class rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be), except when and in so far as alternative use of class and commodity rates is specifically provided for by including in different sections of one and the same tariff such class and commodity rates, and by including in each section of such tariff the specific rule, "If the

rates in Section — of this tariff make a lower charge on any shipment than the rates in Section — of this tariff, the rates in Section — will be applied."

8. (a) If a tariff or supplement to a tariff is issued which conflicts with a part of another tariff or supplement to a tariff which is in force at the time, and which is not thereby canceled in full, it shall specifically state the portion of such other tariff which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date, in the regular way; that is, by reissue, if tariff is of less than 5 pages, and by reissue or supplement, if tariff is of more than 5 pages. Such reissue or supplement must state where rates will thereafter be found and must be filed at the same time and in connection with the tariff which contains the new rates. It will not be necessary to give on commodity tariff or supplement reference to class-rate tariffs that may be affected, nor to give on class-rate tariffs or supplements reference to commodity tariffs, except as provided in Rule 56.

Tariff or supplement to tariff shall specify cancellations.

(b) An agent who acts under power of attorney is fully authorized to act for the carriers that have named him their agent and attorney, and, therefore, it is permissible for him to cancel by his tariffs issues of such principals.

Cancellation must be by authorized agent or by carrier that issued the tariff canceled.

A carrier may not by its individual tariff cancel, amend, or modify a tariff filed by a duly authorized agent, except when corresponding amendment to such agent's tariff is filed at the same time and as per paragraph (a) of this Rule.

(c) A concurrence does not confer authority upon either carrier or agent to cancel tariffs of concurring carrier, and, therefore, tariffs issued under concurrences may not assume to cancel, or carry notation of cancellation of tariffs of and issued by concurring carriers. Such cancellations must be made by the carrier that issued the tariff that is to be canceled.

Concurrence does not confer authority to cancel.

(d) If a tariff is canceled with the purpose of canceling entirely the rates named therein, or when, through error or omission, a later issue failed to cancel the previous issue and a tariff is canceled for the purpose of perfecting the records, the cancellation notice must not be given a new I. C. C. number, but must be issued as a supplement to the tariff which it cancels, even though it be a tariff of 4 pages or less, and even though the tariff may at

Cancellation notice must be by supplement.

the time have the full number of supplements permitted by paragraph (e) of Rule 9.

Cancellation notice shall specify where rates will thereafter be found.

★ (e) When a tariff or a rate is canceled, the cancellation notice must show where rates or rate will thereafter be found or what rates or rate will thereafter apply. For example: "Rate in —, I. C. C. No. —, will apply," or "Class rates will apply," or "Combination rate will apply," or "No rates in effect." (See Rule 2 (b).)

If a tariff is canceled with the purpose of applying in lieu thereof the rates shown in some other tariff, the cancellation notice shall make specific reference to the I. C. C. number of tariff in which the rates will thereafter be found. Cancellation of a tariff also cancels supplements to such tariff, if any in effect. If a tariff is canceled by the issuance of a similar tariff to take its place, cancellation notice must not be given by supplement, but by notice printed in new tariff, as provided in paragraph (b) of Rule 3.

Cancellation by item numbers.

★ (f) When the items in a tariff or a supplement are designated by item numbers the cancellation of an item must be under the same item number; for example, item 41-A cancels item 41. If a canceled item or any part thereof is taken up and thereafter carried in another item of different number, the cancellation must be carried under the original item number and must show in what item or items the effective rates are to be found, and the cancellation of the item in the original tariff or supplement must be brought forward in successive supplements as a reissued item as long as the cancellation is in force.

Amendments and supplements.

9. (a) A change in or addition to a tariff shall be known as an amendment, and, excepting amendments to tariffs of less than 5 pages, and amendments to tariffs issued in loose-leaf form, shall be printed in a supplement to the tariff and shall refer to the page or pages or item or items of the tariff, or of previous supplement, which it amends.

Amended item must be shown in full.

An amended item must always be printed in a supplement in its entirety as amended, and the items in each supplement shall be arranged in the same general order as the tariff which it amends.

Participating carriers; how shown in supplement.

(b) A supplement shall contain either a list of carriers participating therein, or shall state that the list of participating carriers is "as shown in tariff," or "as shown in tariff, except [here show alphabetically all additions to

and eliminations from the original list that are effected by the supplement, or that have been effected by previous supplements].”

★(c) Supplements to a tariff shall be numbered consecutively as supplements to that tariff and must not be given separate or new I. C. C. numbers. Each supplement shall specify the supplement or supplements which it cancels, and shall also show on its title-page what supplements contain all changes from the original tariff that are in effect. For example: “Supplement No. — to I. C. C. No. —.” “Cancels Supplements Nos. — and —.” “Supplements Nos. — and — contain all changes from the original tariff that are effective on the date hereof.” The term “cancels conflicting portions” must not be used.

Supplement
number and can-
cellations.

★(d) A tariff which contains reissued items brought forward from a previous issue which has not been in effect thirty days, or a supplement which brings forward reissued items without change from a former supplement or tariff, must bear the notation: “Effective — except as noted in individual items.” Example: “Issued —, 19—, Effective —, 19—, except as noted in individual items.” Reissued items brought forward without change must show in conspicuous form and convenient manner the following: “Reissue (in black-face type); effective [date upon which item became effective] in I. C. C. No.—” or “in Supplement No. — to I. C. C. No. —.” When the reissued item became effective in a former supplement to the same tariff the I. C. C. number of the tariff may be omitted, but the supplement number must be given.

Show effective
date of reissued
items and I. C. C.
reference.

Items reissued from publications that were on file prior to May 1, 1907, may show last date and reference prior to May 1, 1907.

★(e) Except as authorized in Rules 8 (d), 9 (i), 9 (k), 11, and 12 (d), tariff of less than 5 pages may have no supplement, change therein may be made only by reissue; not more than one supplement may be in effect at any time to a tariff containing 5 and not more than 16 pages; not more than two supplements may be in effect at any time to a tariff containing 17 and not more than 111 pages; not more than three supplements may be in effect at any time to a tariff containing more than 111 pages, and such third supplement may be issued only when the smaller of the two effective supplements to that tariff contains

Number of sup-
plements effec-
tive at any time.

not less than 10 per centum of the number of pages in the tariff.

Amount of
matter supplement
may contain.

Tariffs containing 5 or more pages, including title-pages and indexes, may be supplemented to the following extent:

Number of pages in tariff (including title-page and index)—	Supplements may contain (including title-page and index)—
5 and not more than 16 pages.....	Not more than 4 pages.
17 and not more than 32 pages.....	Not more than 6 pages.
33 or more pages.....	Not more than 25 per centum of the number of pages in tariff.

NOTE.—The changes made as to the number of supplements to a tariff that may be issued or that may be in effect at any time are applicable only to tariffs that are issued after May 12, 1909, and that bear on their title-pages notations in harmony with paragraph (e) of this Rule and in accord with paragraph (h) of Rule 3. As to tariffs heretofore issued, subsequently to May 1, 1907, the notations which they bear as to issuance of supplements and the number of supplements that may be in effect at any time must be observed until such tariffs are superseded or reissued.

Tariffs of less than five pages that were filed prior to May 1, 1907, may not be further supplemented after July 1, 1909. Tariffs of five or more pages that were filed prior to May 1, 1907, may not be further supplemented after October 1, 1909, except by bringing, and thereafter maintaining, the number of effective supplements within the provisions of paragraph (e) of this Rule.

Amendments
to loose-leaf
tariffs: No supplement.

All changes in and additions to tariffs issued in loose-leaf form must be made by reprinting both pages of the leaf upon which change is made. Changes or additions made must be indicated as provided in Rule 2 and when no change or addition is made in one of the pages reprinted it must bear notation "No change in this page." Such pages must not be given supplement numbers, but must be designated "First revised page —," "Second revised page —," etc., must show the I. C. C. number of the tariff, the issued and effective dates, and the name, title, and address of officer by whom issued.

Supplements to
periodical tariffs.

(f) If a tariff provides that it will be reissued periodically at specified times, not more than six months apart, and the life of the tariff does not exceed six months, and such provision is strictly observed, supplements to such tariff may contain all amendments thereto between such specified dates for reissue, without limit as to size. Such tariff must bear on upper left-hand corner of title-page

notation "This tariff will be reissued effective on or before —, 19—."

(g) A supplement of five or more pages must have an index of the matter which it contains, and a supplement of more than 23 pages must also contain a table of contents. ^{Index to supplement.}

(h) If a tariff is filed on statutory notice canceling another tariff and after such filing and prior to the effective date of such new tariff a supplement to the tariff to be so canceled should be lawfully issued, rates in that supplement could not continue in effect for the thirty days required by law because the cancellation of the tariff also cancels supplements to it. In such a case supplements containing changes not included in the tariff that is to become effective may be issued as supplements both to the tariff in effect and to the tariff on file that will effect such cancellation, and be given both I. C. C. numbers. In other words, such issue must be a supplement to each of the tariffs, and copies must be filed accordingly. A supplement issued under this Rule containing reissued items shall note in connection with each of such items, in addition to the date effective as required by the Rule, that the reissued items expire on the date at which the new tariff becomes effective, and that the new tariff will apply in lieu thereof; and such reissued items must not be brought forward in subsequent supplements to the new tariff. Such supplement may not contain any changes except those lawfully made by supplement to the tariff which is to be canceled by the tariff that has been filed and that is also so supplemented; and no other kind of supplement to a tariff that is on file and not yet effective may be made effective within thirty days from the effective date of the tariff without special permission. ^{Supplement to tariff that is filed and not yet effective.}

The provisions of paragraph (e) of this Rule as to the number of supplements to a tariff that may be in effect at any time, and the volume of supplemental matter they may contain must be observed in connection with supplement issued under this paragraph.

* (i) In case of change of ownership or control of a carrier, the carrier whose line is absorbed, taken over, or purchased by another carrier shall unite with that other carrier in common supplements to the tariffs on file with the Commission, on the one hand withdrawing and on the other hand accepting and establishing such tariffs and all ^{Withdrawal and adoption of tariffs when one carrier is absorbed by another carrier.}

effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and the new carriers, shall be numbered consecutively as supplements to the tariffs (even if of less than five pages) to which they are directed, and may be made effective on five days' notice to the public and the Commission by noting thereon reference to this Rule. Such common supplements will not be counted against the number of supplements permitted to such tariff under paragraph (e) of Rule 9. Amendments to such tariffs must thereafter be filed in consecutively numbered supplements thereto until the tariffs are reissued. New tariffs reissuing or superseding these shall be numbered in the I. C. C. series of the new carrier.

Withdrawal and adoption of tariffs when a road or portion thereof is transferred to another company, or its name is changed.

When a road or a part of a road is transferred from the operating control of one company to that of another, or when its name is changed, the existing tariffs issued by the company that surrenders control must be withdrawn by it and adopted by the company assuming control, as provided in the preceding paragraph.

Adoption of tariffs issued by other carriers or joint agents, and of concurrences, power of attorney, etc., filed by old carrier.

(j) As to tariffs issued by other carriers or joint agents under concurrences or powers of attorney granted by the old carrier or company, the new carrier or company shall, if it intends to use such tariff publications and rates, issue, file, and post, with I. C. C. number, an adoption notice, substantially as follows:

The [name of carrier] hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Interstate Commerce Commission by the [name of old carrier] prior to [date] the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which it has heretofore filed with said Commission.

This notice may be made effective and be filed on immediate notice.

Adoption notice filed by receiver.

Similar adoption notice must be filed by a receiver when assuming possession and control of a carrier's lines.

Concurrences and powers of attorney of old carrier must be replaced by those of new carrier.

Concurrences and powers of attorney so adopted by a carrier must, as soon as possible, be replaced and superseded by new concurrences and powers of attorney issued by and in the name of the new carrier or company, and in each instance canceling the concurrence or power of attorney superseded.

The carrier surrendering control of the property has no lawful right to abandon its tariffs except on lawful notice, and when it surrenders control of the property it surrenders all right to publish rates applicable thereto except under proper authority from the carrier or company to whose control the property passes. The public has a right to available and lawfully applicable rates over that property.

★ (k) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a tariff or classification, rate, charge, regulation, or practice, the following course shall be pursued by carriers:

Suspension of
tariff publica-
tions containing
increased rates.

Upon receipt of order of suspension of any publication in its entirety the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement stating that such schedule is under suspension and may not be used until further and proper notice, or until such specified date as the suspension order of the Commission may name, and that rates theretofore in effect and which were to be changed by the suspended publication will remain in effect. Such supplement shall state by I. C. C. number or numbers the tariff or tariffs in which rates, classifications, charges, or regulations so restored will be found.

Upon receipt of order of suspension of parts of a publication which, except as to such parts, is allowed to become effective, the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement containing a copy of the Commission's order of suspension and stating that the part or parts of such schedule specified in the order are under suspension and may not be applied or charged until further notice, or until such specified date as the suspension order of the Commission may name. Such supplement shall also give reference by I. C. C. number or numbers to the tariff or tariffs in which the rates, classifications, charges, or regulations applicable during the period of suspension will be found.

The title-page of every suspension supplement issued under authority of this Rule must bear date of issue, but no effective date, inasmuch as the suspension is effective from the date of filing and serving the Commission's suspension order.

When Commission's order of suspension is vacated.

When the Commission vacates an order of suspension made by it under authority of section 15 of the Act, as amended, the carrier or agent who published and filed such suspended tariff or supplement shall *immediately* file with the Commission a supplement stating the date upon which, under the terms of the vacating order, the rate, classification, charge, regulation, or practice becomes effective.

Notation on supplement.

Every suspension or vacating supplement issued under authority of this Rule must bear on title-page the following notation:

Issued under authority of Rule 9 (k) Tariff Circular 18-A and in compliance with Investigation and Suspension Order No. — of the Interstate Commerce Commission, of [date] 19—.

Such supplements will not be counted against the number of supplements permitted to such tariff under paragraph (e) of Rule 9.

Every supplement issued under this Rule must be forthwith posted in every depot, station, office, or other place where the schedule affected by the order of suspension or vacation is posted, and should be given the same general distribution.

Waiver of supplement rule when tariff is suspended in its entirety.

As an assistance in taking care of the ordinary changes in rates which may be necessary during the period of suspension of an entire tariff, the tariff remaining in effect as a result of such suspension may be further amended without regard to the Commission's rule as to the volume of supplemental matter which the effective supplements in the aggregate may contain, but the Commission's rule prohibiting the supplementing of tariffs of less than five pages must be observed. Desired changes in tariffs of less than five pages must be made by reissue. If the suspended tariff subsequently becomes effective such tariff as may be reissued during the period of suspension should be canceled in the regular way.

A new or changed rate, rule, or regulation made effective during the period of suspension shall remain in force for the statutory period of 30 days.

No change may be made in suspended publication.

No change may be made in a tariff or supplement which has been suspended in its entirety, except by special permission of the Commission.

Waiver of Rule 9 (f) when tariff is suspended.

When a six months' tariff or a supplement to a six months' tariff is suspended in its entirety by the Commission, the previous tariff and effective supplements will

remain in force until lawfully changed or reissued, and the fixed period for the reissue of such six months' tariff may be deferred for the period of suspension of the tariff or supplements thereto.

The title-page of the six months' tariffs referred to above should be corrected by supplement to announce that the tariff will not be reissued prior to [date to which suspended], 19—.

★ (m) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a schedule which contains both increases and reductions in rates, charges, classifications, or regulations, such *reduced* rates, charges, classifications, or regulations may be reestablished on one day's notice to the Commission and the public, prior to and effective upon the date the new schedule was intended to take effect, by the publication and filing of a supplement to the tariff continued in force by reason of such suspension, or, if such tariff is of less than five pages, by the publication and filing of a new tariff, making proper cancellation of the restored tariff. A supplement or tariff issued under authority of this Rule shall bear upon its title-page the following notation:

Authority to make effective reduced items appearing in suspended schedules.

Issued by authority of Rule 9 (m), Interstate Commerce Commission Tariff Circular 18-A.

10. (a) Each carrier shall publish, with proper I. C. C. numbers, post, and file separate tariffs which shall contain in clear, plain, and specific form and terms all the terminal charges and all allowances, such as arbitraries, switching, icing, storage, elevation, diversion, reconsignment, transit privileges, and car service, together with all other privileges, charges, and rules, which in any way increase or decrease the amount to be paid on any shipment as stated in the tariff which contains the rate applicable to such shipment, or which increase or decrease the value of the service to the shipper. Such tariffs must stipulate clearly the extent of such privileges and the charges connected therewith, and shall also state whether or not the rate published by the initial carrier from the point of origin to ultimate destination will apply. If the through rate does apply it must be as of the date of shipment from point of origin.

Tariffs showing terminal charges, diversion, reconsignment, transit privileges, etc.

If such privilege is granted or charge is made in connection with the rate under which the shipment moves from point of origin, the initial carrier's tariff which con-

tains such rate must also show the privilege or the charge or must state that shipments thereunder are entitled to such privileges and subject to such charges according to the tariffs of the carriers granting the privileges or performing the services, as "lawfully on file with the Interstate Commerce Commission."

Joint rate with switching road.

(b) If a joint rate applies to or from a point on a terminal or switching road, and such terminal or switching road receives a division of said rate which is not absorbed by a connecting carrier, the terminal or switching road must publish, post, and file, or concur in and post, the tariff containing the joint rate.

Switching road must file its charges.

(c) A switching or terminal road, even though its lines be purely intrastate, must publish, post, and file in accordance with the law and the Commission's regulations, tariff or tariffs containing all its charges upon or for movements of interstate shipments; and this must be done whether or not any part or all of such terminal or switching road's charges on such shipments are paid or absorbed by connecting carriers.

Switching road's charges added to rate.

(d) If a switching or terminal road's charges are to be added to the tariff charges of a connecting carrier, the tariff of such connecting carrier quoting such rates to or from the point at which such terminal or switching road is located must clearly state that shipments thereunder are subject to additional charges for terminal service in accordance with the current tariffs of terminal or switching road as same are on file with the Interstate Commerce Commission.

Switching road's charges absorbed.

(e) If part or all of the charges of a terminal or switching road are to be absorbed by a connecting road, the tariff of such connecting road must specify that its rate includes originating or delivery services by the terminal or switching road, and that the connecting road will absorb the charges of such terminal or switching road in a specified sum, or as per the current tariffs of the terminal or switching road [naming it] as on file with the Interstate Commerce Commission.

Connecting carrier's switching charges absorbed.

(f) When connecting carriers other than terminal or switching roads switch for each other and absorb part or all of each other's charges, their switching charges must be shown in lawfully filed and posted tariffs, and their tariffs must also state the circumstances, under which and the instances in which they will absorb other carrier's switching charges, and must specify that such absorption

will be in a stated sum per 100 pounds, per ton or per car, or as per tariffs on file with the Interstate Commerce Commission.

★ (g) It is permissible for a carrier, or for two or more carriers, to issue a tariff containing distance or mileage class rates, commodity rates, or both, for use in determining rates on its or their own lines, but in such cases the distance or mileage class rates may be used only when no other class rates are provided and the distance or mileage commodity rates may be used only when no other commodity rates are provided.

Distance tariff
may be used
when no other
rates provided.

Each tariff that contains distance or mileage class rates only must bear on its title-page the following rule:

Notation on distance class rate tariff.

Class rates shown herein may be used only when no specific class rates have been provided. When governed by classification which also contains distance or mileage class rates they will take precedence over the distance or mileage class rates in such classification. They may not be used either by themselves or in combination in preference to any specific class rate.

Each tariff that contains distance or mileage commodity rates only must bear on its title-page the following rule:

Notation on distance commodity rate tariff.

Commodity rates shown herein may be used only when no specific commodity rates have been provided. When governed by classification which also contains distance or mileage commodity rates they will take precedence over the distance or mileage commodity rates in such classification. They may not be used either by themselves or in combination in preference to any specific commodity rate.

Each tariff that contains only distance or mileage class and commodity rates must bear on its title-page the following rule:

Notation on distance tariff containing both class and commodity rates.

Class rates shown herein may be used only when no specific class rates have been provided. Commodity rates shown herein may be used only when no specific commodity rates have been provided. When governed by classification which also contains distance or mileage rates they will take precedence over the distance or mileage rates in such classification. These class rates may not be used either by themselves or in combination in preference to any specific class rate, nor may these commodity rates be used either by themselves or in combination in preference to any specific commodity rate.

A distance tariff may be included in a tariff of specific rates, together with the following rule: "If the use of the distance tariff on page — of this tariff makes a lower charge on any shipment than the specific rate shown in this tariff such lower charge will apply."

Official list of
points and dis-
tances.

(h) Every carrier that uses a distance tariff, which is or may be used in connection with rates on interstate shipments, must incorporate therein an official list of all the points in connection with which the tariff may apply, showing in proper arrangement the distances between them; or must give therein reference by I. C. C. number to the issue that contains such list.

Separate tariff
of lists of points,
distances, prepay
points, billing in-
structions, etc.

★ (i) A carrier may issue a tariff publication under I. C. C. number containing an official list of its points and may show therein distances, prepay points, billing instructions to points not on line of road, etc. If such publication contains no rates and no rules or regulations that of themselves or in connection with a tariff which refers to it affect the charges on any shipment, supplements to and reissues of it may be made effective on one day's notice to the public and to the Commission. Each such supplement or reissue must bear on its title page notation: "Issued under authority of Rule 10 (i), Interstate Commerce Commission Tariff Circular 18-A." Changes in numbers assigned to stations, distances, additions of new stations on old lines of road, or withdrawal of stations may be included in such reissue or supplement, but effective only upon statutory notice; and when any such change is made in a supplement to or reissue of such publication, each such change shall be specifically noted as effective on a date which gives full statutory notice, and title page of such supplement or reissue shall bear notation: "Effective [date], except that changes in station numbers, distances, additions of new stations on old lines, and withdrawal of stations are effective [date] as shown in the items which contain such changes." No supplement to or reissue of such publication, whether issued under authority of this Rule or on statutory notice, or under special permission, may contain notice of any change effective prior to the effective date of the supplement or reissue. If, however, such publication contains any rate or any rule or regulation that can affect the charges upon any shipment, no change in the publication may be made except upon statutory notice or by special permission for shorter time.

Tank-line
gauge books.

(j) NOTE.—The following may be used only in connection with publications such as are specified in paragraph (j) of this Rule, which are constructed and filed in accord with these regulations, and which are filed subsequent to November 9, 1908:

A tariff publication confined to information and regulations governing the use of tank cars may be issued, and, except as hereinafter specified, may be supplemented only on statutory notice or under special permission. Supplements to such publication which contain no changes except additions of cars not before listed, substitution of new cars for old cars, changes in ownership of cars, and corrections in capacities of cars already listed may be issued and made effective upon one day's notice to the Commission and to the public, as required by law.

In connection with this Rule, regulations as to number of supplements to a publication and the volume of supplemental matter that may be contained therein (Rule 9) must be observed; and when changes are made on short notice hereunder and are incorporated in supplement with other matter brought forward from previous supplement, such other matter must be plainly noted as reissued from a former supplement (see paragraph (d) of Rule 9), and no changes except those above specified may be included.

★ 11. Each carrier shall publish under proper I. C. C. number, post, and file a complete index of tariffs which are in effect and to which it is a party either as an initial or a delivering carrier. Such index shall be prepared in sections, as follows, and shall show: (a) I. C. C. number; (b) carrier's own number; (c) index number; (d) initials of issuing road or agent; (e) issuing road or agent's number; (f) character of tariff or description of the articles upon which it applies; (g) where tariff applies from; (h) where tariff applies to.

Index of tariffs.

NOTE.—Items (b), (c), and (e) may be omitted. Items (f), (g), and (h) will be stated in concise general terms.

First section.—A list of all the tariffs as to which the carrier is an initial carrier. Arrangement of
Index. Commodity tariffs to be entered alphabetically under names of commodities or principal commodities. Tariffs applying to different groups of the same commodity must be grouped together; e. g., "Lumber—hardwood;" "Lumber—yellow pine," etc.

Following the specific commodity tariffs will be entered the general commodity tariffs, the class and commodity tariffs, and the class tariffs. Under each of these heads the application of the tariffs will be described by alphabetical arrangement of the points or territory from or to which they apply, in either the "From" or "To" column.

Under the head of "Miscellaneous schedules" will follow list of schedules, such as billing books, classifications, exception sheets, switching tariffs, terminal charges, etc., each entered in alphabetical order.

Second section.—List of all tariffs under which the carrier is a delivering carrier arranged alphabetically by names of issuing carriers or agents, with the items arranged by commodities and classes under each of such carriers or agents, as prescribed for the first section. If carrier so desires, lists of tariffs under which it is an intermediate carrier may be included in this section, provided those tariffs under which it is a delivering carrier or an intermediate carrier or both are indicated.

Third section.—A complete list of the numbers of tariffs of its own I. C. C. series arranged in numerical order.

If carrier so desires, lists of its intrastate tariffs, division sheets, official circulars, etc., may appear in this publication. In connection with intrastate tariffs a reference mark must be used with explanation: "Rates in this tariff do not apply to interstate shipments." Tariffs covering specific circus movements and supplements to tariffs need not be included in indices.

Revision and
supplements.

If any changes are made, the index must be revised to date, either by reissue each month or by supplement each month and reissue every twelve months. If supplements are used they must be numbered consecutively, must be constructed in accordance with specifications as to construction of index, and show additions, changes, and cancellations made in index or canceled supplement thereto.

Notation on
title-page.

Each index must bear on its title-page notations, as follows: "This index contains lists of tariff publications in effect on [date of issue of index];" to which may be added, "or which have been filed to become effective at a later date as shown within." If supplements to index will not be used, "No supplement to this index will be issued;" if supplements will be used, "This index will be reissued on or before ———, 19—, and supplements will be issued each month in which change is made."

Each supplement to index must bear on title-page the notation "Supplements Nos. — and — contain corrections to and as in effect on [date of issue of supplement];" to which may be added, "or which have been filed to become effective at a later date as shown within."

NOTE.—As to indexes now on file which bear notation as to the number of supplements that may be issued

thereto and which do not bear notation that they will be reissued on or before a specified date, the Rule heretofore in effect as to supplements must be continued. Such indexes may be brought within the provisions of the above Rule as to supplements by reissue. A specified date for reissue stated on an index now on file must be observed.

The title-page of index or of supplement must show the date of issue thereof, which must correspond to date shown in notations above and must not bear an effective date. The rule requiring thirty days' notice does not apply to these indexes and their supplements.

NOTE.—This rule is also in rules governing passenger tariffs. One index containing both freight and passenger tariffs may be filed, but if both are included in one index it must be given an I. C. C. number in both freight and passenger series and four copies must be sent to the Commission.

12. Tariffs containing rail-and-water rates or all-water rates applicable via routes upon which it is necessary to close navigation during a portion of the year, and which do not become effective and expire by specified expiration within the same season of navigation, may provide for suspension and restoration of the rail-and-water rates and the all-water rates named therein under the following regulations:

(a) The following notation shall appear on the title-page of the tariff:

The rates named herein for rail-and-water and all-water transportation are subject to suspension at the close of navigation and restoration on the opening of navigation of [here insert the name of the water carrier or carriers specified in the tariff] on notice as provided on page — of this tariff.

(b) In the rules governing the tariff shall appear the following:

In anticipation of opening of navigation of [here insert name of water carrier or carriers named in the tariff] restoration of the rail-and-water and all-water rates contained in this tariff and in effective supplements thereto which were in force on the date the rates were last suspended or which have subsequently been made effective, will be announced by supplement to this tariff which will be filed with the Interstate Commerce Commission, be posted at points from which the rates apply, and become effective not less than three days thereafter.

NOTE.—This effective date shall not be such as to allow more than thirty days at point of transshipment for reforwarding by the water carrier.

Rule in tariff
providing for sus-
pension of rates.

The rates in this tariff and in supplements thereto for rail-and-water and all-water transportation are effective only during the season of navigation of [here insert the name of water carrier or carriers named in the tariff] until [here insert date upon which freight can be forwarded from point of shipment and with reasonable certainty reach the point of transshipment prior to the last sailing of water carrier]. From that date and until announcement by supplement to this tariff of the date which wholly suspends rates for the season, shipments will be accepted under this tariff only subject to the provision that in the event of such shipments being in excess of the available vessel capacity at time of arrival at port of transshipment or of arrival too late for forwarding by vessel, the same will be forwarded via all-rail route and be subject to the tariff rates via such all-rail route in effect on the date of shipment from the point of origin; shipping receipts, bills of lading, and waybills must bear notation to this effect. The supplement announcing the close of navigation and the suspension of rail-and-water and all-water rates named in this tariff and in its effective supplements will be filed with the Interstate Commerce Commission and will be posted at points from which the rates apply not less than three days in advance of the date upon which the rates will be suspended from points of original shipment.

★ When rates in a tariff which was effective during a previous season of navigation have been restored by supplement to that tariff, and such tariff is canceled by a new tariff for the approaching season which is filed to become effective upon a date subsequent to the date of such restoration, no supplement to the new tariff, announcing restoration of rates, is required.

Restoration of
rail-and-water
rates which are
under suspension
when new tariffs
are filed for the
approaching sea-
son of navigation.

When rates in the tariff which were effective during a previous season of navigation are not restored by supplement to that tariff but are cancelled by new tariff filed effective upon statutory notice, prior to the opening of navigation, it is necessary that such new tariff be supplemented to announce restoration of rates, which restoration must not be prior to the effective date stated upon the title-page of the new tariff; or, in lieu of the issuance of such supplement, the new tariff may, in connection with and following the rule governing the restoration of rates, carry a provision as follows:

The effective date of this tariff is as shown on title-page and therefore no supplement announcing restoration of rates is required for the season of 19—.

When a new tariff which does not cancel a previous tariff is filed effective upon statutory notice, prior to the

opening of navigation, it is necessary that such new tariff be supplemented to announce the opening of navigation, and the effective date of such announcement must not be prior to the effective date stated upon the tariff; or, in lieu of the issuance of such supplement, the new tariff may, in connection with and immediately following the rule governing restoration of rates, carry a provision as follows:

The effective date of this tariff is as shown on title-page and therefore no supplement announcing restoration of rates is required for the season of 19—.

(c) Where the tariff suspended or restored under this Rule applies to joint transportation by rail and river, or canal, or inland lakes other than the Great Lakes, such tariffs may be suspended or restored on a like notice of one day instead of three days. Routes other than Great Lakes may suspend or restore on one day's notice.

(d) Supplements issued under this Rule announcing suspension and restoration of rail-and-water and water rates in tariffs must not contain anything except such suspension or restoration notice or notices. Only one such supplement announcing suspension or restoration of the rates in a tariff may be in effect at any time, and such supplement will not be counted against the number of supplements permitted to such tariff under Rule 9 (e). Supplements may contain.

(e) Rail-and-water and all-water rates suspended under this Rule may be reissued or amended during such period of suspension upon statutory notice the same as though the rates were in effect and active use, but the restoration of the rates by supplement notice will not advance the effective date of any supplement to the tariff which has not on the date of restoration become effective. Supplements made effective prior to the date of restoration will be made effective on a given date, or may be stated to be "Effective with restoration of tariff and supplements for season of 19— (to be announced by subsequent supplement) but not earlier than [statutory notice] 19—, nor earlier than noted in individual items." Not counted against tariff.

(f) Statutory notice of suspension, withdrawal, or restoration of rates or regulations must be given as to all tariffs that do not contain the provisions of paragraphs (a) and (b) of this Rule. Suspended tariffs may be reissued or amended.

(g) The provisions of Rule 10 will also apply to carriers in rail and water lines and to tariffs applying on such lines; and in addition thereto, if storage or transit privilege is given at port of transshipment on the Great Storage and transit privileges.

Lakes in connection with a joint rail-and-water rate upon which shipment moves from point of origin, the initial carrier's tariff which contains such rate must also contain the privilege or the charge, or give specific reference by I. C. C. number to the tariff of the carrier that grants the privilege or performs the service which contains such regulations and charges connected therewith.

Filing of tariffs.

Concurrence.

Authorizing an agent to file tariffs.

Authority to agent may be revoked or transferred.

Authorizations for agent and concurrences in his tariffs must be on file.

Use of consolidated concurrences.

Joint agent will use his own I. C. C. serial number.

13. (a) Tariffs, classifications, and exception sheets and supplements thereto shall be filed with the Commission by proper officer of the carrier or by an agent designated to perform that duty, and concurrence of every carrier participating therein must be on file with the Commission or accompany the tariff or supplement.

If a carrier authorizes an agent to file its tariffs or classifications and exception sheets and supplements thereto, or certain of them, official notice of such authorization and of acceptance of responsibility by the carrier for his acts, in form as hereinafter specified, must be filed with the Commission.

Such authority may be revoked by a carrier upon thirty days' official notice to the Commission, or at any time be transferred to another agent by filing with the Commission notice of such transfer, accompanied by a full-form authorization for the newly named agent.

(b) If two or more carriers appoint the same person as agent for the filing of tariffs or classifications and supplements thereto, each of them will be required to file with the Commission power of attorney in form prescribed appointing him their agent; and the concurrence of every other carrier participating in any tariff or classification or supplement thereto which is filed by him must be on file with the Commission or accompany the tariff.

When consolidated form of concurrence FX6, FX7, or FX8 has been used and additions are to be made to the list of roads for which such agent acts under powers of attorney the necessity for a new set of consolidated concurrences presents itself. Trouble and inconvenience can be avoided by the issuance of powers of attorney authorizing such agent to receive concurrences provided in Rules 23, 24, and 25, and the securing of new concurrences will be comparatively simple.

(c) Such joint agent duly authorized to act for several carriers must file joint tariffs or classifications or exception sheets under I. C. C. serial numbers of his own.

(d) Tariffs issued by a carrier under its I. C. C. numbers may include, under proper concurrences, shown therein, rates via, and to and from points on other carriers' lines and concurring carriers may use such tariffs for posting at their stations. Such tariff must be filed by the issuing carrier and such filing will constitute filing for all lawfully concurring carriers. Tariffs issued by a carrier under concurrences will be filed by it for all concurring.

(e) The agent or the carrier that issues a joint tariff publication shall at once send copies thereof to each and every carrier that is named as party thereto. Send copies of joint publication to every participant therein.

(f) A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates must not in its own publications publish rates that duplicate or conflict with those which are published by such authorized agent or other carrier. Carrier must not publish rates conflicting with or duplicating rates published by its agent.

(g) If an agent publishes class rates and does not also publish commodity rates, such agent's class tariff must carry notation that the commodity rates of the carriers parties to the tariff are to be found in their individual issues, and that where so found they take precedence over class rates. When agent files class, but not commodity rates.

If an agent publishes a part but not all of the commodity rates of the carriers for which he acts, all of his tariffs containing commodity rates must bear notation that commodity rates not shown therein are to be found in the carriers' individual issues, and where so found they take precedence over class rates.

*(h) Rates for through shipments are often made by adding together two or more rates. All State or other rates used in combination for interstate shipments must be posted at points from which they apply and filed with the Commission, and can only be changed as to such traffic in accordance with the terms of the Act. All State or other rates used for interstate shipments must be posted and filed.

14. *(a) The Act requires that all changes in rates, or in rules that affect rates, shall be filed with the Commission at least thirty days before the date upon which they are to become effective. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not the statutory notice has been given. The title-page of every tariff or supplement must show full thirty days' notice, or must bear a plain notation of the number and date of the permission, or the Rule, or the decision of the Commission under which it is effective on less than Statutory notice. Statutory notice or authority for shorter notice must be shown.

Receipt and filing of tariffs by Commission does not relieve carriers from liability for violation of Act or regulations thereunder.

(b) The law affirmatively imposes upon each carrier the duty of filing with the Commission all of its tariffs and amendments thereto, as prescribed in the law or in any rule relative thereto which may be announced by the Commission, under penalty for failure so to do, or for using any rate which is not contained in its lawfully published and filed tariffs. The Commission will give such consistent assistance as it can in this respect, but the fact that receipt of a tariff, or supplement to a tariff, is acknowledged by the Commission, or the fact that a tariff, or supplement to a tariff, is in the files of the Commission will not serve or operate to excuse the carrier from responsibility or liability for any violation of the law, or of any ruling lawfully made thereunder, which may have occurred in connection with the construction or filing of such tariff or supplement.

Thirty days' notice required for every publication filed.

(c) Thirty days' notice to the public and to the Commission is required as to every publication which it is necessary for a carrier to file with the Commission, regardless of what changes may or may not be effected thereby.

Tariffs must be delivered to Commission, free from all charges or claims for postage, the full time required by law.

★(d) No tariff or supplement will be accepted for filing unless it is delivered to the Commission, free from all charges or claims for postage, the full thirty days required by law before the date upon which such tariff or supplement is stated to be effective. No consideration will be given to or for the time during which a tariff or supplement may be held by an express company for charges or by the Post-Office Department because of insufficient postage. A tariff or a supplement that is received by the Commission too late to give the Commission the full thirty days' notice required by law will be returned to sender, and correction of the neglect or omission can not be made which takes into account any time elapsing between the date upon which such tariff or supplement was received and the date of attempted correction. In other words, when a tariff or a supplement is issued and as to which the Commission is not given the statutory notice it is as if it had not been issued, and full statutory notice must be given of any reissue thereof. No consideration will be given to telegraphic notices in computing the thirty days' notice required. For tariffs and supplements issued on short notice under special permission of the Commission full thirty days' notice is not required, but literal compliance with the requirements for notice named in any permission granted by the Commission will

be exacted and in accord with the policy and practice above outlined.

(e) When a schedule is rejected by the Commission as ^{Rejected} ^{schedules.} unlawful, the records so show and, therefore, such schedule should not thereafter be referred to as canceled, amended, or otherwise except to note on publication that is issued in lieu of such rejected schedule "In lieu of ——— rejected by Commission;" nor should the number which it bears be again used.

(f) Rates prescribed by the Commission in its decisions ^{Rates pre-} ^{scribed in Com-} ^{mission's deci-} ^{sions must be pro-} ^{mulgated in tariffs} ^{and Commission} ^{notified.} and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs, or supplements to tariffs, and notice shall be sent to the Commission that its order in case No. — has been complied with in item —, page — of — tariff, I. C. C. No. —, or supplement — to — tariff, I. C. C. No. —.

In establishing rates or regulations under an order ^{Maintenance of} ^{relative adjust-} ^{ment in issuing} ^{tariffs to conform} ^{with formal order} ^{of the Com-} ^{mission.} of the Commission in a formal case, carrier or carriers that are actually and on the record parties to the case, or that are lawful parties to a joint tariff in which the rate or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission's order commodity or commodities that are grouped with that or those which are specified in the order; and may also include adjustment at other points in order to preserve established grouping or relation of points, and may also include adjustment of rates to same points on other commodities for the purpose of maintaining established relation of rates between commodities: *Provided*, all such changes made by authority of this Rule shall be effected by *reductions* in rates or charges.

If carrier that is not so party to the case or to the joint tariff desires to make on less than statutory notice the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

Unless otherwise specified in the order in the case, ^{Permission for} ^{less than statu-} ^{tory notice and} ^{notation on tariff.} such tariff or supplement may be made effective upon five days' notice to the Commission and to the public, and if made effective on less than statutory notice, either under this Rule or under special authority granted in the order in the case, shall bear on its title-page notation "In com-

pliance with order of Interstate Commerce Commission in case No. ———."

★ If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

Circulars announcing compliance with orders of court.

(g) Circulars announcing or explaining the attitude and course of carriers under injunction of a court, relating to tariff rates or regulations, must not be issued as supplements to tariffs nor given I. C. C. numbers unless they are issued on statutory notice or under special permission from the Commission for shorter time. The Commission will, however, be pleased to have copies of such circulars and the information therein contained.

Numerical order of I. C. C. numbers of tariffs, or explanation of missing numbers, required.

(h) Each carrier files tariffs under I. C. C. numbers, which are presumed to be used consecutively. Occasionally a tariff or supplement is received which does not bear I. C. C. number next in numerical order to that borne by the last one filed. This is sometimes occasioned by the missing number having been assigned to a tariff that is in course of preparation. Request is made that in so far as is possible carriers will file tariffs and supplements in consecutive numerical order of I. C. C. numbers. If from any cause this is not done in any instance, the tariff or supplement that is filed with an I. C. C. number that is not consecutive with the last number filed must be accompanied by a memorandum explaining as to the missing number or numbers.

Two copies of tariffs must be filed.

(i) Common carriers and agents are directed, in filing schedules in compliance with the statute, to transmit two (2) copies of each tariff, supplement, classification, or other schedule of rates or regulations, for the use of the Commission, both copies to be included in one package and under one letter of transmittal.

Address for tariffs.

Tariffs sent for filing must be addressed "Interstate Commerce Commission, Bureau of Tariffs, Washington, D. C."

Issuance of fast freight line billing books.

15. (a) Fast freight line billing or instruction books which are, by reference, made part of carrier's tariffs, are in effect tariffs. The following method of publication and filing of such books and of concurring therein may be followed:

The interested carriers may arrange for a carrier of their number to execute power of attorney Form FX1, appoint-

ing an agent with authority to issue the billing or instruction book in the name, place, and stead of the carrier giving the power of attorney. The publication must show on its title-page that it is issued by the person designated in the capacity of agent for the carrier that gives him power of attorney.

It will be sufficient for each of the other initial carriers that uses the billing or instruction book in connection with its tariffs to give concurrence in that book, running to the carrier that issues the book, on Form FX2 or FX5; and for all carriers that participate in the publication as intermediate or terminal carriers to each give general concurrence FX3 or FX4 in the tariffs issued by the carrier granting power of attorney, or its agent.

Concurrences Form FX3 will, without modification, include the billing or instruction books issued by a carrier to which such concurrence has been given, or by its agent under power of attorney, but if such publication names or affects rates *from* the stations on line of concurring carrier concurrence FX2, FX4, or FX5 must be used.

(b) A tariff may contain rates to base points which must be concurred in by intermediate and terminal carriers over the lines of which the rates apply to such base points, and when the issuing carrier is a party under proper form of concurrence or power of attorney in a billing or instruction book, such tariff may provide for the application of rates to points as specified in the billing or instruction book by specific provision in the tariff, and reference to the I. C. C. number of the billing or instruction book. It is not necessary that such tariff should specify names and concurrence forms and numbers of the intermediate and terminal carriers which are shown as participating carriers in the billing or instruction books. The billing or instruction book is made a part of the tariff by specific reference, and the carriers concurring in the billing or instruction book are thereby made lawful participants in the application of the rates named in the tariff to the points on concurring carrier's line, as authorized in the billing or instruction book.

Tariff may refer to fast freight line billing books.

16. (a) A carrier may grant to a joint agent authority to publish and file for it classification and supplements thereto and exceptions to the classification; or, such exceptions may be published by the carrier in its own issues, either as parts of individual tariffs or in a publication that is given an I. C. C. number, that is filed and posted as re-

Issuance of classification by joint agent.

quired, and that is devoted to such exceptions. (See Rule 3 (e).) Such exceptions and changes therein may be made only on statutory notice or under special permission for shorter time.

In so far as is reasonably practicable exceptions should be included in the tariff which they affect.

I. C. C. numbers of classification.

A joint agent to whom carriers have extended authority under power of attorney to publish and file classification and supplements thereto must issue them under his own I. C. C. numbers, must show in the classification a list of the carriers for which he acts under power of attorney, giving as to each the FX1 number of such authority, and must file the classification and supplements thereto on behalf of all of the carriers that have so authorized him to act for them; and such carriers will not file the classification or supplements thereto for themselves. The provisions of the law as to statutory notice must be observed in the issuance of supplements or reissue of the classification.

List of participating carriers.

Filing classification.

Showing participating carriers in supplements.

In showing the list of participating carriers in supplement the rule prescribed in Rule 9 will be followed.

If carrier does not authorize agent to file classification, carrier is bound to statutory notice

(b) If a carrier fails to authorize an agent to file the classification for it and undertakes to file it for itself, it is bound by the terms of the law as to notice of change and date of filing, both as to the classification and each supplement thereto.

Power of attorney.

(c) In giving power of attorney for this purpose the form shown in Rule 18 may be modified by striking out from line 6 the word "tariffs," and, if desired, from line 7 the words "and exception sheets."

Concurrence.

If a carrier has given another carrier concurrence FX4, under which it concurs in classification which that other carrier or its agent may make and file, the carrier to which that concurrence is given may exercise the authority by its lawfully appointed agent, and the carrier which gave the authority be shown in the publication as participant under the form and number of its concurrence.

Joint tariffs issued by joint agents.

17. (a) It will be permissible for an agent and attorney for certain lines to join with another agent and attorney for lines in another territory in the issuance of tariffs, naming joint through rates from points in one territory to points in the other, or "between" points in the territories represented by such agents. In doing this each of such agents acts for the lines that have given him power of attorney FX1 and for the lines that have given proper

concurrences to the carriers that have given him such power of attorney; and for such lines only.

Such publication will bear I. C. C. numbers, under the serial of each of the agents, and each of the agents will file the publication and each and every supplement thereto for and on behalf of the roads for which he is attorney and agent and those that are participants under concurrences to the roads for which he is agent and attorney, just as if it were his individual publication on behalf of those carriers alone. Each of such agents will be held to strict conformity to the law and the tariff regulations regarding the construction of the tariff and notices of changes therein, and in filing the tariff and each and every supplement thereto.

(b) Under this arrangement each agent acts only for the carriers that he has due authority to act for. The principals of each are bound by the acts of their attorney and agent, and as each will file the tariff under his own I. C. C. number and for the roads which he lawfully represents, the cross-exchange of concurrences between all of the different roads represented on the one hand by one agent and on the other hand by the other agent will not be necessary as to that tariff.

★(c) Such publication must show lists of participating carriers as follows: First, a list of the carriers from which one of the agents has power of attorney FX1, showing as to each the FX1 number of such authority, and a list of the carriers that participate under concurrences to the lines for which that agent is agent and attorney, showing the form and number of each concurrence. Second, a list of the carriers for which the other agent is agent and attorney, with the FX1 number of his authority as to each, and a list of the carriers that participate under concurrences to the lines for which that agent is agent and attorney, showing the form and number of each concurrence.

Each of these subdivisions of the participating carriers will be indicated by plain headlines, as, for instance, "Carriers for which ——— is agent and attorney, and carriers participating under concurrences to such carriers," and like notice for the other agent's list of principals and concurring carriers.

In order to avoid confusion and complications under this plan, it is essential that the agents adopting it shall perfect their understandings and that there shall be no

I. C. C. numbers and filing.

Each agent acts only for carriers for which he has authority. Principals of each agent bound by his acts, and cross-exchange of concurrences not required.

Lists of participating carriers.

omission or neglect on part of either about filing under lawful notice any tariff so issued or any supplement thereto.

Form of ap-
pointment of
agent.

18. The following form, on paper 8 by 10½ inches in size, will be used in giving authority to an agent to file for the carrier giving the authority tariffs and supplements thereto. Such authority must not be given to an association or bureau, and it may not contain authority to delegate to another power thereby conferred.

This form may be modified so as to confer the authority desired by omitting the words "(1) for it alone, and (2)," or by omitting the words "and (2) for it jointly with other carriers."

Cross-exchange
of concurrences
avoided.

If two or more carriers execute this form containing the words "for it jointly with other carriers" in favor of a joint agent it will not be necessary for those carriers to exchange concurrences *with each other* as to the joint tariffs issued by that joint agent under that authority.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

[Date] ———, ———.

Form FX1—No. —.

Know all men by these presents:

That the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of person appointed] its true and lawful attorney and agent for the said company and in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exception sheets and supplements thereto, as required of common carriers by the Act to regulate commerce and by regulations established by the Interstate Commerce Commission thereunder for the period of time the traffic and the territory now herein named:

And the said [name of carrier] does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said company, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its — president and to be duly attested under its corporate seal by its secretary, at —, in the State of —, on this — day of —, in the year of our Lord nineteen hundred and —.

THE [name of carrier],
By —, —,
Its — President.

Attest:

—,
Secretary.

[CORPORATE SEAL.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the agent to whom power of attorney is given. Separate authorizations will be given for freight and passenger tariffs.

Original form
to be filed with
Commission
and duplicates
furnished agent.

*For concurrence in tariffs issued and filed by another carrier or its agent forms prescribed in Rules 19 to 25, inclusive, will be used.

NOTE.—Experience has demonstrated that it is simpler and better to use concurrence than power of attorney in giving authority to a carrier to publish and file another carrier's rates. Provision for giving power of attorney to another carrier has, therefore, been eliminated except for the purpose of granting authority to give and receive concurrences as provided in Rule 26.

This does not invalidate or change the terms or effect of any power of attorney now on file.

19. The following form will be used in giving concurrence in a tariff that is issued and filed by another carrier or its agent and to which the carrier giving concurrence is a party. If given to continue until revoked, it will serve as continuing concurrence in the tariff described in the concurrence and all supplements to and reissues thereof. If provision for concurrence to continue until revoked is stricken out, a new concurrence will be required with each supplement or reissue.

Form of con-
currence.

INTERSTATE COMMERCE COMMISSION.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX2—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of the rate schedule described below, together with supplements thereto and reissues thereof which the named issuing carrier or its agent may make and file, and hereby makes itself a party thereto and bound thereby, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

Title and number: [Here give exact description of title of schedule, including number and name of series.]

Date of issue: ———, ———.

Date effective: ———, ———.

Issued by { [Official.]
[Company.]

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Concurrence
accompanying
tariff.

The original of this form will be filed with the Commission by the carrier or agent who files the tariff and will accompany the tariff.

Form of con-
currence.

20. Concurrence may be given by any carrier to embrace all tariffs issued by another carrier or its agent in which the concurring carrier is shown as a participating intermediate or delivering line, after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX3—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [name of carrier] or its agent may make and file, in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule

TARIFF CIRCULAR 18-A—FREIGHT.

contains rates applying via its line and to, but not from, points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way except to show what agents have been given power of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

21. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying rates to or from its points or via its lines, on certain described traffic or between certain described points or territories, after the following form, modified as may be necessary to confer exactly the authority intended to be granted. For granting authority to publish and file rates to and from and via its lines, and not otherwise qualified, carrier will use concurrence form FX5 or FX7, as per Rules 22 and 24:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX4—No.—.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [name of carrier] or its agent may make and file and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying upon ———; or between ——— and ———; or from ——— to ———; or via ———; until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Original form
to be filed with
Commission and
duplicate fur-
nished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given.

Form of con-
currence.

22. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying rates to and from its points and via its lines and after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,
[Date] ———, ———.

Form FX5—No. —.

To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [name of carrier] or its agent may make and file, and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying to and from stations on its lines, and via its lines, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Original form
to be filed with
Commission and
duplicate fur-
nished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way, unless to show what agents have been given powers of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

Form of con-
currence.

23. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form FX1, concurrence in tariffs issued by him under such authority may be in the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX6—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line, and to but not from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given, or of its agent and attorney herein named.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him. Filing.

24. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form FX1, concurrence in tariffs issued by him under such authority may be in the following form: Form of concurrence.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX7—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [here give

list of all roads for which the agent has powers of attorney], or either or any of them may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line, and to and from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given, or of its agent and attorney herein named.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Filing.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

Form of concurrence.

25. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form FX1, concurrence in tariffs issued by him under such authority applying to or from certain points or territory may be issued in the following form, modified as may be necessary to confer exactly the authority intended to be granted:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX8—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying upon ———; or between ——— and ———; or from ——— to ———; or

from ——— to points on or reached via its line; or from points on or via its line to ——— until this authority is revoked by formal and official notice of revocation placed in the hands of the Interstate Commerce Commission and of the carriers to which this concurrence is given, or of their agent and attorney herein named.

[Name of carrier.]
By [Name of officer.]
[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicate to each and every carrier represented by him. Filing.

NOTE.—Concurrence, form FX2, applies to individual publication named therein. Concurrence, form FX3 or FX6, confers authority to publish and file rates to, but not from, points on line of concurring carrier, and via its lines. Concurrence, form FX5 or FX7, confers authority to publish and file rates to and from points on line of concurring carrier, and via its lines. Forms FX3, FX5, FX6, and FX7 are not to be modified except as specified in the Rules. The use of these several forms as provided will, therefore, show by the form number just what authority has been given, except when form FX4 or FX8 is used, these forms being provided for instances which the other forms do not exactly fit. The Commission does not require the substitution of concurrence form FX5 for form FX4, now on file, which covers only the authority provided for in the new form FX5, but will welcome such substitution. For all new concurrences forms will be used as specified in the several Rules, and FX4 or FX8 only when neither of the other forms provides for the authority it is desired to confer.

26. ★(a) Each carrier will give authorizations and concurrences serial numbers, beginning with No. 1 in each series, as indicated by forms, and continuing in consecutive numbers as to each series, and keeping these numbers separate and apart from the I. C. C. numbers of tariffs. (See paragraph (f) of this Rule.) Concurrences must be given to carriers named therein and authority so granted to a carrier may be by it delegated to its lawfully appointed agent. Number of concurrences and authorizations.
Concurrences must be given to carriers.

Separate concurrences will be given for freight and passenger tariffs. Separate concurrences for freight and passenger tariffs.

Revocation effective.

(b) A concurrence may be revoked by filing notice of such revocation with the Commission and serving same upon the carrier to which such concurrence was given. Such notice must specify the date upon which revocation is to be made effective and must give at least sixty days' notice to the Commission and to the carrier to which concurrence was given. Corresponding revision of tariff or tariffs shall be made in the next supplement to or reissue thereof, and if necessary, supplement or reissue shall be made for the sole purpose of making such change lawfully effective on statutory notice upon the effective date stated in the notice of revocation.

Liability of carrier for failure to change tariff when concurrence is revoked.

★ Change in a tariff is effective when and only when the tariff as filed and posted is changed. Change effected by revocation of concurrence can not be known to the public or to the agents of carriers until it appears in the regular way in the tariff. A carrier that has duly revoked a concurrence as herein provided has the right to be free from the unsatisfactory rate or regulation on the date upon which revocation becomes effective. The public has the right to use the rates shown in a lawfully filed and published tariff. The Rule provides ample time within which to change a tariff. If, therefore, when a concurrence is revoked, the carrier that publishes the tariff neglects to make change therein as provided in this Rule, shippers are entitled to have shipments moved as provided in the tariff, and the carrier that so neglects to correct its tariff will be held liable to other carriers for the difference in charges under the tariff as it is and as it would be if it had been corrected in accordance with revocation of concurrence. If the tariff is published by a joint agent, the provisions hereof will apply to each of his principals, as traffic is tendered to them as initial carriers.

Subsidiary or small-line tariffs.

(c) Subsidiary or small lines which do not wish to issue concurrences or tariffs may give to the parent or other line power of attorney to concur in tariffs, and also general concurrence FX4 or FX5, to file tariffs, and the carrier holding such authority and concurrence may give, and also receive, concurrences for itself and the lines for which it acts in one instrument. Such subsidiary or small lines must, however, be named in concurrences so given. In giving power of attorney to concur in tariffs, form FX1 will be modified by striking out from line six the word "file" and substituting the following therefor: "to give and receive concurrences in."

(d) In giving concurrences care must be taken to avoid ^{Conflicting authority to be avoided.} probability of two or more agents or carriers naming conflicting rates or rules.

(e) The granting of authority to issue tariffs under ^{Carrier issuing authority or concurrence is not relieved from duty of posting tariffs.} power of attorney, or concurrence, does not relieve the carrier conferring the authority from the necessity of complying with the law with regard to posting tariffs. It is proper to use tariffs issued under its authority for that purpose.

* (f) All powers of attorney and certificates of ^{Quality and size of paper.} concurrence must be printed or typewritten on hard calendered paper 8 x 10½ inches in size.

The series to which each power of attorney or certificate of concurrence belongs must be indicated, and the ^{Serial number on upper right-hand corner.} serial number of each must be shown, in upper right-hand corner of first page. Immediately under the serial number shall be shown the number, or numbers, of powers of attorneys or certificates of concurrence, as the case may be, to be canceled.

Each power of attorney or certificate of concurrence ^{Joint concurrences of two or more carriers under same traffic officer.} filed must show the post-office address of the issuing officer in the date line preceding body of form.

When a series of joint concurrences, issued on behalf of two or more carriers by the same traffic officer, is maintained, each concurrence filed in that series must be issued on behalf of all the carriers for whom the common traffic officer acts. Otherwise separate files of concurrences must be maintained, one for each road, certificates in each series of such individual files to be filed in consecutive numerical order as required by paragraph (a) of this Rule.

27. All tariffs that are filed with the Commission shall ^{Letter of transmittal.} be accompanied by a letter of transmittal, on paper 8 by 10½ inches in size, and to the following effect:

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Advice No. ———.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

Accompanying schedule is sent you for filing, in compliance with the requirements of the Act to regulate commerce, issued by ———, and bearing

I. C. C. No. —.

Supp. No. —, to I. C. C. No. —.

Effective ———, 19—;

and is concurred in by all carriers named therein as participants, under continuing concurrences or authorizations now on file with the Interstate Commerce Commission, except the following-named carriers, whose concurrences are attached hereto:

[Signature of filing agent.]

A separate letter may accompany each schedule, or the form may be modified to provide for filing under one letter as many schedules as can conveniently be entered.

NOTE.—If receipt for accompanying schedule is desired, the letter of transmittal must be sent in duplicate, and one copy will be stamped and returned as receipt.

PASSENGER FARE SCHEDULES.

A star (*) denotes that a change or addition has been made in either the rule or paragraph.

* When provisions for rejection of publications that do not conform to these regulations have been omitted it is to avoid conflict with the penalties provided in section 6 of the Act for failure to comply with rules and orders of the Commission issued under that section.

* Tariffs that were lawfully on file with the Commission on June 1, 1907, and that have not since that time been superseded or canceled, will be considered as continued in force until they can be properly reissued. All tariffs filed on or after May 1, 1911, must conform to all of these rules. The Commission may direct the reissue of any tariff at any time.

The term "joint fare," as used herein, is construed to mean a fare that extends over the lines of two or more carriers and that is made by joint arrangement or agreement between such carriers.

"Joint tariffs" are those which contain or are made up from such "joint fares."

24. (a) All tariffs must be printed on hard ^{tariffs must} ~~calendar~~ ^{be printed} paper of good quality from type of size not less than 6-point full face. Stereotype, planograph, or other printing-press process may be used. Alterations in writing or engravures must not be made in tariffs before filing. Reproductions by hectograph or similar process, typewritten sheets, or proof sheets must not be used for posting or filing, except in preparation of tariffs covering excursion fares that are effective for not exceeding ten consecutive selling dates or for excursions limited to thirty days or less.

* (b) All tariff publications or supplements thereto must ^{changes in the} ~~indicate~~ ^{indicated in tariff} ~~increases~~ ^{or supplement} thereby made in existing fares or charges, rules or regulations, by the use of black-faced type or by the use of a uniform symbol throughout the schedule. All tariff publications or supplements thereto

which are filed with the Commission on or after May 1, 1911, must also indicate reductions thereby made in existing fares or charges, rules or regulations, by the use of italic type or by the use of a uniform symbol throughout the schedule. Clear explanation of the use of distinctive type or symbols must be made in the tariff.

★ (c) When a new tariff canceling a previous tariff omits points of origin or destination or fares which were contained in such previous tariff, the new tariff shall show, in the manner prescribed in paragraph (e) of Rule 37, where the fare or fares will thereafter be found, and if such omissions effect increases or decreases in charges that fact shall be shown by the use of proper symbols.

Four classes of tariffs.

29. Passenger tariffs will be of four classes:

(a) Joint tariffs, applying to traffic between points on the lines of two or more carriers.

(b) Local tariffs, applying only to traffic between points on the lines of the issuing carrier.

(c) Interdivision tariffs, applying only to traffic between points on different divisions of the lines of the issuing carrier, except that, under proper concurrences, shown in the tariff, interdivision fares may be included to and from points on directly connecting subsidiary lines. When this is done, the title of tariff must be "Interdivision tariff of [name of carrier] and its subsidiary lines," and each such subsidiary line must be shown in list of participating carriers, together with the form and number of its concurrence. The use of interdivision tariffs will be optional with carriers.

(d) Basing tariffs, containing fares to or from certain specified basing point or points for use in constructing through fares between points where no specific through or joint fare exists, together with definite rules and regulations as to use and application of such basing fares.

Size and form of tariffs.

★ **30.** Local and interdivision tariffs containing local or interdivision fares may be in book form, not larger than 8 by 11 inches, or in single-sheet form of size desired by issuing carrier. All other tariffs must be in book, sheet, or pamphlet form, and of size 8 by 11 inches. Loose-leaf plan may be used so that changes can be made by reprinting and inserting a single leaf. (See Rule 38 (d).)

Local tariffs.

31. Local tariffs may be in one or more books or pamphlets and must show the exact fare from each point to each other point on the lines of the issuing carrier.

Fares to and from newly established points may be shown in supplement to tariff as "same as to or from next more distant point to or from which fare is shown in tariff," or "same as to nearest point to or from which fare is shown in tariff," or by showing fare to or from a nearby point or junction and providing that fares will be made up on that combination or base. If desired, certain of the fares which appear in local tariffs may be repeated in interdivision or joint tariffs under specific provision that as shown is such interdivision or joint tariff they may be used only for basing or through fare construction purposes, and may not be used as local fares.

32. Interdivision tariffs shall show:

(a) The exact fares between each point on one division and each point on the other division or divisions to which the tariff applies; or

(b) The exact fares between each point on a division and the principal points on the other division or divisions to which the tariff applies, together with explicit rules and bases from which to determine the fares to and from each of the less important points on the division or divisions to which the tariff applies and which are not named in the tariff.

33. The title-page of every tariff shall show:

(a) Name of issuing carrier, carriers, or agent.

(b) I. C. C. number of tariff in bold type on upper right-hand corner, and immediately thereunder, in smaller type, the I. C. C. number or numbers of tariffs and supplements canceled thereby. If, however, the number of canceled tariffs is so large as to render it impracticable to thus enter them, they must be shown immediately following table of contents, and specific reference to such list must be entered on title-page immediately under the number of the tariff. Serial numbers of carrier may, if desired, be entered below the upper marginal line of title-page. Separate serial I. C. C. numbers will be used for freight and passenger tariffs.

(c) Whether tariff is local, interdivision, basing, or joint.

(d) The territory or points from and to which the tariff applies, briefly stated.

(e) Date of issue and date effective. Any tariff may be changed upon statutory notice of thirty days, or, under special permission from the Commission, upon shorter notice. Therefore, a provision in a tariff that the tariff,

Contents of interdivision tariffs.

Title-page shall show:
Name of carrier or agent.
I. C. C. number and cancellations.

Kind of tariff.

Territory.

Dates.

or any part of it, will expire upon a given date, is not a guaranty that the tariff, or such part of it, will remain effective until that date. The Commission considers such expiration notices undesirable, as many complications have arisen through their being overlooked. Such provision, if used, must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way. On such tariffs the term "Expires ———, unless sooner canceled, changed, or extended," must be used.

Expiration notice.

Only one supplement.

(f) On upper left-hand corner (excepting tariffs issued in loose-leaf form, and tariffs issued by authority of Rule 52) the words: "Only one supplement to this tariff may be in effect at any time." On tariffs issued in loose-leaf form and on tariffs issued by authority of Rule 52 the words: "No supplement will be issued to this tariff except for the purpose of canceling the tariff." (See Rules 38 and 52.)

On a tariff which provides for suspension and restoration of rail-and-water fares, as authorized by Rule 40, the following exception should be made in connection with the above notations: "except as provided for in rule — (or item —), page —, of this tariff."

When issued by special permission or order of Commission on less than statutory notice.

(g) On every tariff or supplement that is issued on less than thirty days' notice by permission from or order or regulation of the Commission, notation that it is issued under special permission or order of the Interstate Commerce Commission, No. —, of [date] — or by authority of Rule —, Tariff Circular 18-A, or by authority of decision of the Commission in case No. —. (See Rule 41.)

Notation on excursion tariff.

(h) On every excursion tariff issued under Rule 52 notation, "Issued under authority of Rule 52, Interstate Commerce Commission Tariff Circular 18-A."

Officer issuing.

(i) Name, title, and address of officer by whom tariff is issued.

Tariffs shall contain:
Table of contents.

34. Tariffs shall contain, in the order named:

(a) Table of contents: A full and complete statement, in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title-page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) Names of issuing carriers, including those for which joint agent acts under power of attorney, and names of carriers participating under concurrences, both alphabetically arranged. If there be not more than ten participating carriers their names may be shown on the title-page of the tariff. The form and number of the power of attorney or concurrence by which each carrier is made party to the tariff must be shown.

Names of participating carriers.

Show concurrence forms and numbers.

Tariffs containing round-trip excursion fares and instructions as to sale and use of tickets thereunder must show a full list of carriers, parties thereto, or must give reference by I. C. C. numbers to the tariffs on which such excursion fares are based; must bear notation that the same carriers that are parties to the tariffs so referred to are, under the authorities and concurrences there shown, parties to the excursion-fare tariff, and provision that tickets must not be sold thereunder via the line of any carrier, that is not specified as party to the tariff or tariffs so referred to.

Excursion-fare tariffs must show, or refer to, list of participating carriers.

(c) Alphabetically arranged and complete index of points from which the tariff applies, and alphabetically arranged and complete index of points to which the tariff applies, together with the name of State in which located. If there be not more than twelve points of origin and twelve points of destination, they may, if practicable, be shown on title-page of tariff.

Index of stations.

★ Geographical description of application of tariff may be used only when the tariff applies from or to all points in one or more States or Territories, or when it applies to all points in a State or Territory except those specified. But such list of exceptions for a State may not include more than 50 points. For example, a tariff may state that it applies from all points in New York, Pennsylvania, and New Jersey, and from all points in Delaware except [here give alphabetical list of excepted points], and from the following points in Ohio [here give alphabetical list of Ohio points].

Geographical description of application of tariff.

Traffic territorial or group descriptions may be used to designate points to or from which fares named in the tariff apply, provided a complete list of such points arranged by traffic territories or groups is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list. In this list the points on each line of road must be grouped together alpha-

Traffic territorial or group description of application of tariffs.

If points of origin and destination are arranged alphabetically, index of points may be omitted. betically and under the name of the road. If in naming fares in the tariff, points of origin and of destination are arranged alphabetically, or alphabetically by States or roads, alphabetical index of points may be omitted.

Limiting use of term "common points."

The terms "common points," "Southeastern territory," or similar terms shall not be used in any tariff for the purpose of indicating the points from or to which fares named therein apply unless a full list of such points is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list.

Reference marks and abbreviations.

(d) Explanation of reference marks and technical abbreviations used in the tariff, except that a special rule applying to a particular fare, shall be shown in connection with and on the same page with such fare.

Routing under tariff.

(e) Routing under the tariff. If the fares apply via more than one route or gateway, the route or gateway shall be shown in connection with the fare, or the different routes shall be specified and each route be given a number, in which event the routing to each point of destination named in the tariff will be shown by placing opposite thereto, in a column headed "Route," the proper route number or numbers.

Explanation of fares and rules.

(f) Such explanatory statement in clear and explicit terms regarding the fares and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

Rules governing the tariff.

★(g) Rules and regulations which govern the tariff, the title of each rule or regulation to be shown in bold type. Under this head the rules, regulations, or conditions which affect the fares named in the tariff shall be entered, except that a special rule applying to a particular fare shall be shown in connection with and on the same page with such fare.

No rule shall authorize substituting fare found in any other tariff.

No rule or regulation shall be included which in any way or in any terms authorizes substituting for any fare named in the tariff a fare found in any other tariff, or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the

General rules regarding stop-overs and baggage rates.

rule or regulation is a part. These rules shall include the general baggage regulations, and also schedule of excess-baggage rates (except when such excess-baggage rates are shown in tariff in connection with the fares), the general rules governing stop-over privileges, extension of time on limited tickets because of illness or quarantine, and honoring of tickets that have not been properly

validated. If such general rules are filed in separate tariffs of the individual carriers a joint tariff may refer to them by I. C. C. numbers or "as lawfully on file with the Interstate Commerce Commission." An individual carrier filing such rules in a separate tariff shall refer to same by I. C. C. number.

If side trips for passengers at free or reduced rates limited to holders of through tickets are granted, the tariff under which the through ticket is sold must show the side trips that will be furnished, or must state that side trips will be furnished as per the tariffs of the individual carriers "lawfully on file with the Interstate Commerce Commission."

Side trips.

A carrier or an agent may publish, under I. C. C. number, post and file a tariff publication containing the rules and regulations which are to govern certain fare schedules, and such publication may be made a part of such fare schedules by the specific reference "Governed by rules and regulations shown in ——— I. C. C. No. —."

Tariff rules and regulations filed and posted may be referred to in other schedules governed thereby.

When a tariff makes reference to another tariff, the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or the name of such agent, respectively, must be shown in connection with the I. C. C. number.

A fare schedule may in like manner refer to another schedule for the governing rules and regulations.

A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted.

★(h) The fares, explicitly stated in cents or in dollars and cents, together with the names of the places from and to which they apply, all arranged in a simple and systematic manner. Complicated or ambiguous plans or terms must be avoided.

The fares.

The Commission has decided that a joint fare may not be made with a carrier that is not amenable to the Act. Therefore tariffs containing fares applying in connection with stage routes or fares which include hotel accommodations or admission to entertainments must separately show the carrier's portion of such fares, and such portions of fares must be alike to all, regardless of whether or not passenger purchases ticket for stage line or desires the other accommodations mentioned.

Fares in connection with stage routes, etc.

Tariffs naming fares for excursions may state such fares in such terms as "One first-class fare for the round trip," "One first-class fare and a third for the round trip," "One first-class fare plus ——— dollars for the round trip," and must give specific reference by I. C. C. number or numbers to the tariff or tariffs containing such first-class fares.

Arrangement
of points in local
tariffs.

35. (a) In naming fares in local passenger tariffs points will be arranged geographically, and the points on main line shall appear first in order, followed by points on branch lines diverging from main line. The points on a branch line will be separated from main line and other branch-line points by rule. The point of divergence from main line shall be shown at the top of the branch-line points, but fares to and from such point of divergence need not be repeated. Points shown at the top of column of fares will be known as "head-line points," and each column will be designated by a letter, or, if necessary, by a combination of letters or of letters and numerals.

Head-line
points.

Side-line
points.

Points shown at the side of the columns of fares will be known as "side-line points," and will be numbered consecutively. The alphabetical index of points provided for in Rule 34 will show the location of fares to or from each point by head-line letters and side-line numbers.

Arrangement
of points in inter-
division tariff.

(b) Interdivision tariffs may be arranged geographically or alphabetically, but if arranged geographically the rule in paragraph (a) of this Rule will be followed.

Through tick-
ets when no joint
fares apply.

36. A carrier may apply to through tickets fares to or from points to or from which no joint fare is published by using lawfully published bases, locals, or proportionals in connection with other lawfully published tariffs. Tariffs containing basing fares must specify clearly the extent and manner of their use, and tariffs that are especially intended for use in connection with published basing fares must show the I. C. C. numbers of tariffs in which bases can be found. In making up a combination fare all limitations which a tariff places upon the use of a basing, proportional, or arbitrary fare must be fully observed.

* A carrier may incorporate in a tariff the following rule:

Fares to destinations or from points of origin not shown in this tariff will be made by adding the fares shown in this tariff to the fares shown in other tariffs lawfully on file with the Interstate Commerce Commission, provided that if the fare so made exceeds the fare to or from a point beyond on the same through line as shown in this tariff,

the latter fare will apply. Fares so made will apply via all routes authorized under this tariff to or from contiguous points of origin or of destination.

37. (a) If a tariff or supplement to a tariff is issued which conflicts with a part of another tariff or supplement to a tariff which is in force at the time, and which is not thereby canceled in full, it shall specifically state the portion of such other tariff which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date, in the regular way; and such supplement to such tariff so amended shall be filed at the same time and in connection with the tariff which contains the new fares.

Tariff or supplement to tariff shall specify cancellations.

(b) An agent who acts under power of attorney is fully authorized to act for the carriers that have named him their agent and attorney, and therefore it is permissible for him to cancel by his tariffs issues of such principals.

Cancellation must be by authorized agent or by carrier that issued the tariff canceled.

A carrier may not by its individual tariff cancel, amend, or modify a tariff filed by a duly authorized agent, except when corresponding amendment to such agent's tariff is filed at the same time, and as per paragraph (a) of this Rule.

(c) A concurrence does not confer authority upon either carrier or agent to cancel tariffs of concurring carrier, and, therefore, tariffs issued under concurrences may not assume to cancel, or carry notation of cancellation of, tariffs of and issued by concurring carriers. Such cancellations must be made by the carrier that issued the tariff that is to be canceled.

Concurrence does not confer authority to cancel.

(d) If a tariff is canceled with the purpose of canceling entirely the fares named therein, or when, through error or omission, a later issue failed to cancel the previous issue and a tariff is canceled for the purpose of perfecting the records, the cancellation notice must not be given a new I. C. C. number, but must be issued as a supplement to the tariff which it cancels, even though such tariff may at the time have a supplement in effect.

Cancellation notice must be by supplement.

(e) If a tariff or part of a tariff is canceled, the cancellation notice shall make specific reference to the I. C. C. number of tariff in which the fares will thereafter be found, or if combination fares are to apply, or if no fares or arrangements in effect, shall so state. Cancellation of a tariff also cancels supplement to such tariff, if any in effect. If a tariff is canceled by the issuance of a similar

Cancellation notice shall specify where fares will thereafter be found.

tariff to take its place, cancellation notice must not be given by supplement, but by notice printed in new tariff, as provided in paragraph (b) of Rule 33. (See Rule 28 (c).)

Cancellation by
item numbers.

★(f) When the items in a tariff or a supplement are designated by item numbers the cancellation of an item must be under the same item number; for example, item 41-A cancels item 41. If a canceled item or any part thereof is taken up and thereafter carried in another item of different number, the cancellation must be carried under the original item number and must show in what item or items the effective fares are to be found, and the cancellation of the item in the original tariff or supplement must be brought forward in successive supplements as a reissued item as long as the cancellation is in force.

Amendments
and supplements.

38. (a) A change in a tariff shall be known as an amendment and, excepting amendments to tariffs issued in loose-leaf form, and changes in tariffs issued by authority of Rule 52, shall be printed in a supplement to the tariff which it amends, specifying such tariff by its I. C. C. number. The supplement shall be reissued each time an amendment is made and shall always contain all the amendments to that tariff that are in force. Supplements to a tariff shall be numbered consecutively as supplements to that tariff and shall not be given new or separate I. C. C. numbers. An amended item must always be printed in supplement in its entirety as amended.

Amended item
must be shown in
full.

Participating
carriers; how
shown in supplement.

(b) A supplement shall contain either a list of carriers participating therein, or shall state that the list of participating carriers is "as shown in tariff," or "as shown in tariff, except [here show alphabetically all additions to and eliminations from the original list that are effected by the supplement, or that have been effected by previous supplements]."

Show effective
date of reissued
items and I. C. C.
reference.

★(c) A tariff which contains reissued items brought forward from a previous issue which has not been in effect thirty days, or a supplement which brings forward reissued items without change from a former supplement or tariff, must bear the notation "Effective — except as noted in individual items." Example: "Issued —, 19—, effective 19—, except as noted in individual items." Reissued items brought forward without change must show in conspicuous form and convenient manner the following: "Reissue (in black-face type); effective [date upon which item became effective] in I. C. C. No. —" or "in

Supplement No. — to I. C. C. No. —.” When the reissued item became effective in a former supplement to the same tariff the I. C. C. number may be omitted, but the supplement number must be given.

Items reissued from publications that were on file prior to June 1, 1907, may show last date and reference prior to June 1, 1907.

★ (d) Except as provided in Rules 37 (d), 38 (i), 39, and 40 (d), there shall at no time be more than one supplement in effect to any tariff, and such effective supplement to a tariff of 20 or more pages may not contain more than 20 per centum of the number of pages in the tariff, including title page. Supplement to a tariff of less than 20 pages may not contain more than two pages, including title page.

NOTE.—Tariffs that were filed prior to June 1, 1907, may not be further supplemented after November 1, 1909, except by bringing, and thereafter maintaining, the amendments to that tariff within one effective supplement.

No supplement may be issued to any excursion-fare tariff that is issued on less than statutory notice under the provisions of Rule 52, except for the purpose of canceling the tariff.

All changes in and additions to tariffs issued in loose-leaf form must be made by reprinting both pages of the leaf upon which change is made. Changes or additions made must be indicated as provided in Rule 28 (b), and when no change or addition is made in one of the pages reprinted it must bear notation “No change in this page.” Such pages must not be given supplement numbers but must be designated “First revised page —,” “Second revised page —,” etc., must show the I. C. C. number of the tariff, the issued and effective dates, and the name, title, and address of officer by whom issued.

(e) If a tariff provides that it will be reissued periodically at specified times, not more than six months apart, and the life of the tariff does not exceed six months, and such provision is strictly observed, the supplement to such tariff may contain all amendments thereto between such specified dates for reissue, without limit as to size. Such tariff must bear on upper left-hand corner of title-page notation “This tariff will be reissued effective on or before —, 19—.”

• Supplement to tariff that is filed and not yet effective.

(f) If a tariff is filed on statutory notice canceling another tariff, and after such filing and prior to the effective date of such new tariff a supplement to the tariff to be so canceled should be lawfully issued, fares in that supplement could not continue in effect for the thirty days required by law, because the cancellation of the tariff also cancels supplement to it. In such a case supplement containing changes not included in the tariff that is to become effective may be issued as supplement both to the tariff in effect and to the tariff on file that will effect such cancellation, and be given both I. C. C. numbers. In other words, such issue must be a supplement to each of the tariffs, and copies must be filed accordingly. A supplement issued under this Rule containing reissued items shall note in connection with each of such items, in addition to the date effective as required by the Rule, that the reissued items expire on the date at which the new tariff becomes effective, and that the new tariff will apply in lieu thereof; and such reissued items must not be brought forward in subsequent supplement to the new tariff. Such supplement may not contain any changes except those lawfully made by supplement to the tariff which is to be canceled by the tariff that has been filed and that is also so supplemented; and no other kind of supplement to a tariff that is on file and not yet effective may be made effective within thirty days from the effective date of the tariff without special permission.

The provisions of paragraph (d) of this Rule as to the number of supplements to a tariff that may be in effect at any time, and the volume of supplemental matter they may contain must be observed in connection with supplement issued under this paragraph.

Withdrawal and adoption of tariffs when one carrier is absorbed by another carrier.

★(g) In case of change of ownership or control of a carrier the carrier whose line is absorbed, taken over, or purchased by another carrier shall unite with that other carrier in common supplements to the tariffs on file with the Commission, on the one hand withdrawing and on the other hand accepting and establishing such tariffs and all effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and new carriers, shall be numbered consecutively as supplements to the tariffs to which they are directed, and may be made effective on five days' notice to the public and the Commission by noting thereon reference to this Rule. Such common supplements will

not be counted against the number of the supplements permitted to such tariff under paragraph (d) of Rule 38. Amendments to such tariffs must thereafter be filed in consecutively numbered supplements thereto until the tariffs are reissued. New tariffs reissuing or superseding these shall be numbered in the I. C. C. series of the new carrier.

When a road or a part of a road is transferred from the operating control of one company to that of another, or when its name is changed, the existing tariffs issued by the company that surrenders control must be withdrawn by it and adopted by the company assuming control, as provided in the preceding paragraph.

(h) As to tariffs issued by other carriers or joint agents under concurrences or powers of attorney granted by the old carrier or company, the new carrier or company shall, if it intends to use such tariff publications and rates, issue, file, and post, with I. C. C. number, an adoption notice, substantially as follows:

The [name of carrier] hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Interstate Commerce Commission by the [name of old carrier] prior to [date] the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which it has heretofore filed with said Commission.

This notice may be made effective and be filed on immediate notice.

Similar adoption notice must be filed by a receiver when assuming possession and control of a carrier's lines.

Concurrences and powers of attorney so adopted must, as soon as possible, be replaced and superseded by new concurrences and powers of attorney issued by and in the name of the new carrier or company, and in each instance canceling the concurrence or power of attorney superseded.

The carrier surrendering control of the property has no lawful right to abandon its tariffs except on lawful notice, and when it surrenders control of the property it surrenders all right to publish fares applicable thereto except under proper authority from the carrier or company to whose control the property passes. The public has a right to available and lawfully applicable fares over that property.

Withdrawal and adoption of tariffs when a road or portion thereof is transferred to another company, or its name is changed.

Adoption of tariffs issued by other carriers or joint agents, and of concurrences, powers of attorney, etc., filed by old carrier.

Adoption notice filed by receiver.

Concurrences and powers of attorney of old carrier must be replaced by those of new company.

Suspension of
tariff publica-
tions containing
increased rates.

★ (i) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a tariff, fare, charge, regulation, or practice, the following course shall be pursued by carriers:

Upon receipt of order of suspension of any publication in its entirety the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement stating that such schedule is under suspension and may not be used until further and proper notice, or until such specified date as the suspension order of the Commission may name, and that fares theretofore in effect and which were to be changed by the suspended publication will remain in effect. Such supplement shall state by I. C. C. number or numbers the tariff or tariffs in which fares, charges, or regulations so restored will be found.

Upon receipt of order of suspension of parts of a publication which, except as to such parts, is allowed to become effective, the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement containing a copy of the Commission's order of suspension and stating that the part or parts of such schedule specified in the order are under suspension and may not be applied or charged until further notice, or until such specified date as the suspension order of the Commission may name. Such supplement shall also give reference by I. C. C. number or numbers to the tariff or tariffs in which the fares, charges, or regulations applicable during the period of suspension will be found.

The title-page of every suspension supplement issued under authority of this Rule must bear date of issue, but no effective date, inasmuch as the suspension is effective from the date of filing and serving the Commission's suspension order.

When Commis-
sion's order of sus-
pension is vaca-
ted.

When the Commission vacates an order of suspension made by it under authority of section 15 of the Act, as amended, the carrier or agent who published and filed such suspended tariff or supplement shall *immediately* file with the Commission a supplement stating the date upon which, under the terms of the vacating order, the fare, charge, or regulation becomes effective.

Notation on
supplement.

Every suspension or vacating supplement issued under authority of this Rule must bear on title-page the following notation:

Issued under authority of Rule 38 (i) Tariff Circular 18-A and in compliance with Investigation and Suspension Order No. —, of the Interstate Commerce Commission, of [date] 19—

Such supplements will not be counted against the number of supplements permitted to such tariff under paragraph (d) of Rule 38.

Every supplement issued under this Rule must be forthwith posted in every depot, station, office, or other place where the schedule affected by the order of suspension or vacation is posted, and should be given the same general distribution.

★ (j) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a schedule which contains both increases and reductions in fares, charges, or regulations, such *reduced* fares, charges, or regulations may be reestablished on one day's notice to the Commission and the public, prior to and effective upon the date the new schedule was intended to take effect, by the publication and filing of a supplement to the tariff continued in force by reason of such suspension, or in a new tariff. A supplement or tariff issued under authority of this Rule shall bear upon its title-page the following notation.

Authority to make effective reduced items appearing in suspended schedules.

Issued by authority of Rule 38 (j), Interstate Commerce Commission Tariff Circular 18-A.

★ 39. Each carrier shall publish, with proper I. C. C. number, post, and file a complete index of the tariffs which are in effect and to which it is a party as an initial line. Such index shall show: (a) I. C. C. number of each tariff; (b) name or initials of issuing road or agent; (c) brief description of character of tariff; (d) concise statement of points between which tariff applies. Tariffs covering short-time excursion fares and supplements to tariffs need not be included in this index. If any changes are made, this index shall be revised to date and be reissued each month, or, supplement may be issued each month showing all changes and also what tariff, if any, shown in index is canceled or superseded by one shown in supplement, and index be reissued every twelve months. If supplements are used, they must be numbered consecutively and must be constructed in accordance with specifications as to construction of index. If carrier so desires, lists of its intrastate tariffs, division sheets,

Index of tariffs.

Reissue and supplements.

official circulars, and of its own numbers of its tariffs or division sheets may appear in this publication. In connection with intrastate tariffs a reference mark must be used with explanation: "Fares in this tariff do not apply to interstate journeys."

Notation on
title-page.

Each index must bear on its title-page notations as follows: "This index contains lists of tariff publications in effect on [date of issue of the index]," to which may be added: "or which have been filed to become effective at a later date, as shown within." If supplement to index will not be used, "No supplement to this index will be issued;" if supplements will be used, "This index will be reissued on or before ———, 19—, and supplements will be issued each month in which change is made."

Each supplement to index must bear on title-page the notation: "Supplements Nos. — and — contain corrections to and as in effect on [date of issue of the supplement]," to which may be added: "or which have been filed to become effective at a later date, as shown within."

* NOTE.—As to indexes now on file which bear notation as to the number of supplements that may be issued thereto and which do not bear notation that they will be reissued on or before a specified date, the rule heretofore in effect as to supplements must be continued. Such indexes may be brought within the provisions of the above rule as to supplements by reissue. A specified date for reissue stated on an index now on file must be observed.

Date of issue,
but no effective
date.

The title-page of index or of supplement must show the date of issue thereof, which must correspond to date shown in notations above, and must not bear an effective date. The rule requiring thirty days' notice does not apply to these indexes and their supplements.

* NOTE.—This rule is also in rules governing freight tariffs. One index containing both passenger and freight tariffs may be filed, but if both are included in one index it must be given an I. C. C. number in both freight and passenger series and four copies must be sent to the Commission.

Suspension and
restoration of rail-
and-water fares.

40. Tariffs containing rail-and-water fares or all-water fares applicable via routes upon which it is necessary to close navigation during a portion of the year, and which do not become effective and expire by specified expiration within the same season of navigation, may provide for suspension and restoration of the rail-and-water fares and the all-water fares named therein under the following regulations:

(a) The following notation shall appear on the title-^{Notation on title-page of tariff.} page of the tariff:

The fares named herein for rail-and-water or all-water transportation are subject to suspension at the close of navigation and restoration on the opening of navigation of [here insert the name of the water carrier or carriers specified in the tariff] on notice as provided on page — of this tariff.

(b) In the rules governing the tariff shall appear the ^{Rule in tariff providing for restoration of fares.} following:

In anticipation of the opening of navigation of [here insert name of water carrier or carriers named in the tariff] restoration of the rail-and-water and all-water fares contained in this tariff and in effective supplement thereto which was in force on the date the fares were last suspended or which has subsequently been made effective, will be announced by supplement to this tariff, which will be filed with the Interstate Commerce Commission, be posted at points from which the fares apply, and become effective not less than three days thereafter.

The fares in this tariff and in supplement thereto for ^{Rule in tariff providing for suspension of fares.} rail-and-water and all-water transportation are effective only during the season of navigation of [here insert the name of water carrier or carriers named in the tariff]. The supplement announcing the close of navigation and the suspension of rail-and-water and all-water fares named in this tariff and its effective supplement will be filed with the Interstate Commerce Commission and will be posted at points from which the fares apply not less than three days in advance of the date upon which the fares will be suspended.

★When fares in a tariff which was effective during a previous season of navigation have been restored by supplement to that tariff, and such tariff is canceled by a new tariff for the approaching season which is filed to become effective upon a date subsequent to the date of such restoration, no supplement to the new tariff announcing restoration of fares is required.

★When fares in the tariff which were effective during a ^{Restoration of rail - and - water fares which are under suspension when new tariffs are filed for the approaching season of navigation.} previous season of navigation are not restored by supplement to that tariff but are canceled by new tariff filed, effective upon statutory notice, prior to the opening of navigation it is necessary that such new tariff be supplemented to announce restoration of fares, which restoration must not be prior to the effective date stated upon the title-page of the new tariff; or, in lieu of the issuance of such supplement, the new tariff may, in connection

with and following the rule governing the restoration of fares, carry a provision as follows:

The effective date of this tariff is as shown on title-page, and therefore no supplement announcing restoration of fares is required for the season of 19—.

When a new tariff which does not cancel a previous tariff is filed effective upon statutory notice, prior to the opening of navigation it is necessary that such new tariff be supplemented to announce the opening of navigation, and the effective date of such announcement must not be prior to the effective date stated upon the tariff; or, in lieu of the issuance of such supplement, the new tariff may, in connection with and immediately following the rule governing restoration of fares, carry a provision as follows:

The effective date of this tariff is as shown on title-page, and therefore no supplement announcing restoration of fares is required for the season of 19—.

Routes other than Great Lakes may suspend or restore on one day's notice.

(c) Where the tariff suspended or restored under this rule applies to joint transportation by rail and river, or canal, or inland lakes other than the Great Lakes, such tariff may be suspended or restored on a like notice of one day instead of three days.

Supplement may contain.

(d) Supplement issued under this rule announcing suspension and restoration of rail-and-water and all-water fares in tariffs must not contain anything except such suspension or restoration notice, and such supplement will not be counted against the number of supplements that is permitted as to such tariff under Rule 38.

Not counted against tariff.

Suspended tariffs may be reissued or amended.

(e) Rail-and-water and all-water fares suspended under this rule may be reissued or amended during such period of suspension upon statutory notice the same as though the fares were in effect and active use, but the restoration of the fares by supplement notice will not advance the effective date of any supplement to the tariff which has not on the date of restoration become effective.

Supplements made effective prior to the date of restoration will be made effective on a given date, or may be stated to be "Effective with restoration of tariff and supplement for season of 19— (to be announced by subsequent supplement) but not earlier than [statutory notice] 19—, nor earlier than noted in individual items."

(f) Statutory notice of suspension, withdrawal, or restoration of fares or regulations must be given as to all

tariffs that do not contain the provisions of paragraphs (a) and (b) of this Rule.

41. (a) Tariffs and supplements thereto shall be filed with the Commission by proper officer of the carrier or by an agent designated to perform that duty, and concurrence of every carrier participating therein must be on file with the Commission or accompany the tariff or supplement. If a carrier authorizes an agent to file its tariffs and supplements thereto or certain of them, official notice of such authorization and of acceptance of responsibility by the carrier for his acts, in form as hereinafter specified, must be filed with the Commission. Such authority may be revoked by a carrier upon thirty days' official notice to the Commission, or at any time be transferred to another agent by filing with the Commission notice of such transfer, accompanied by full-form authorization for the newly named agent.

Filing of tariffs.

Authorizing an agent to file tariffs.

(b) If two or more carriers appoint the same person as agent for the filing of tariffs and supplements thereto, each of them will be required to file with the Commission power of attorney, in form prescribed, appointing him their agent; and the concurrence of every other carrier participating in any tariff or supplement thereto which is filed by him must be on file with the Commission or accompany the tariff.

Authorizations for agent and concurrences in his tariffs must be filed.

When consolidated form of concurrence PX6, PX7, or PX8 has been used and additions are to be made to the list of roads for which such agent acts under powers of attorney the necessity for a new set of consolidated concurrences presents itself. Trouble and inconvenience can be avoided by the issuance of powers of attorney authorizing such agent to receive concurrences provided in Rules 47, 48, and 49, and the securing of new concurrences will be comparatively simple.

Use of consolidated concurrences.

(c) Such joint agent duly authorized to act for several carriers must file joint tariffs under I. C. C. serial numbers of his own.

Joint agent will use his own I. C. C. serial numbers.

(d) Tariffs issued by a carrier under its I. C. C. numbers may include, under proper concurrences shown therein, fares via, and to and from points on other carriers' lines, and concurring carriers may use such tariffs for posting at their stations. Such tariffs must be filed by the issuing carrier, and such filing will constitute filing for all lawfully concurring carriers.

Issuing carrier will file tariff for all carriers party thereto.

Send copies of joint publication to every carrier party thereto.

(e) The agent or the carrier that issues a joint tariff publication shall at once send copies thereof to each and every carrier that is named as party thereto.

Avoid conflict between tariffs.

(f) A carrier that grants authority to an agent or to another carrier to publish and file certain of its fares must not in its own publications publish fares in conflict with those which are published by such authorized agent or other carrier, or which duplicate such fares except as provided in Rule 31.

All State or other fares used for interstate movements must be posted and filed.

★ (g) Fares for through tickets are often made by adding together two or more fares. All State or other fares used in combination for interstate movements must be posted at points from which they apply and filed with the Commission, and can only be changed as to such traffic in accordance with the terms of the Act.

Tariff must show full 30 days' notice.

(h) The Act requires that all changes in fares, or in rules that affect fares, shall be filed with the Commission at least thirty days before the date upon which they are to become effective. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not the statutory notice has been given. The title-page of every tariff or supplement must show full thirty days' notice, except as provided in paragraph (g) of Rule 33.

Receipt and filing of tariffs by Commission does not relieve carriers from liability for violation of Act or regulations thereunder.

(i) The law affirmatively imposes upon each carrier the duty of filing with the Commission all of its tariffs, and supplements thereto, as prescribed in the law or in any rule relative thereto which may be announced by the Commission, under penalty for failure so to do or for using any fare which is not contained in its lawfully published and filed tariffs. The Commission will give such consistent assistance as it can in this respect, but the fact that receipt of a tariff, or supplement to a tariff, is acknowledged by the Commission, or the fact that a tariff, or supplement to a tariff, is in the files of the Commission will not serve or operate to excuse the carrier from responsibility or liability for any violation of the law, or of any ruling lawfully made thereunder, which may have occurred in connection with the construction or filing of such tariff or supplement.

Thirty days' notice on every publication.

(j) Thirty days' notice to the public and to the Commission is required as to every publication which it is necessary for a carrier to file with the Commission, regardless of what changes may or may not be effected thereby.

★ (k) No tariff or supplement will be accepted for filing unless it is delivered to the Commission, free from all charges or claims for postage, the full thirty days required by law before the date upon which such tariff or supplement is stated to be effective. No consideration will be given to or for the time during which a tariff or supplement may be held by an express company for charges or by the Post-Office Department because of insufficient postage. A tariff or a supplement that is received by the Commission too late to give the Commission the full thirty days' notice required by law will be returned to sender, and correction of the neglect or omission can not be made which takes into account any time elapsing between the date upon which such tariff or supplement was received and the date of attempted correction. In other words, when a tariff or a supplement is issued and as to which the Commission is not given the statutory notice, it is as if it had not been issued, and full statutory notice must be given of any reissue thereof. No consideration will be given to telegraphic notices in computing the thirty days required. For tariffs and supplements issued on short notice under special permission of the Commission, and short-time excursion tariffs issued under Rule 52, full thirty days' notice is not required, but literal compliance with the requirements for notice named in said Rule or in any permission granted by the Commission will be exacted and in accord with the policy and practice above outlined.

Tariffs must be delivered to Commission, free from all charges or claims for postage, the full time required by law.

(m) When a schedule is rejected by the Commission as unlawful, the records so show and, therefore, such schedule should not thereafter be referred to as canceled, amended, or otherwise except to note on publication issued in lieu of such rejected schedule "In lieu of —, rejected by Commission;" nor shall the number which it bears be again used.

Rejected schedules.

(n) Fares prescribed by the Commission in its decisions and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs or supplements to tariffs and notice shall be sent to the Commission that its order in Case No. — has been complied with in item —, page —, of — tariff, I. C. C. No. —, or supplement — to — tariff, I. C. C. No. —.

Fares prescribed in Commission's decisions must be promulgated in tariffs and Commission notified.

Maintenance of relative adjustment in issuing tariffs to conform with formal order of the Commission.

In establishing fares or regulations under an order of the Commission in a formal case, carrier or carriers that are actually and on the record parties to the case, or that are lawful parties to a joint tariff in which the fare or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission's order adjustment at other points in order to preserve established grouping or relation of points: *Provided*, all such changes made by authority of this rule shall be effected by *reductions* in fares or charges.

If carrier that is not so party to the case or to the joint tariff desires to make, on less than statutory notice, the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

Permission for less than statutory notice and notation on tariff.

★ Unless otherwise specified in the order in the case, such tariff or supplement may be made effective upon five days' notice to the Commission and to the public, and if made effective on less than statutory notice, either under this Rule or under special authority granted in the order in the case, shall bear on its title-page notation "In compliance with order of Interstate Commerce Commission in case No. ____."

If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

Circulars announcing compliance with orders of court.

(p) Circulars announcing or explaining the attitude and course of carriers under injunction of a court, relating to tariff fares or regulations, must not be issued as supplements to tariffs nor given I. C. C. numbers unless they are issued on statutory notice or under special permission from the Commission for shorter time. The Commission will, however, be pleased to have copies of such circulars and the information therein contained.

Numerical order of I. C. C. numbers of tariffs, or explanation of missing numbers, required.

(q) Each carrier files tariffs under I. C. C. numbers, which are presumed to be used consecutively. Occasionally a tariff or supplement is received which does not bear I. C. C. number next in numerical order to that borne by the last one filed. This is sometimes occasioned by the missing number having been assigned to a tariff that is in course of preparation. Request is made that in so far as *is possible* carriers will file tariffs and supplements in

consecutive numerical order of I. C. C. numbers. If from any cause this is not done in any instance, the tariff or supplement that is filed with an I. C. C. number that is not consecutive with the last number filed must be accompanied by a memorandum explaining as to the missing number or numbers.

(r) Common carriers and agents are directed, in filing schedules in compliance with the statute, to transmit two ^{Two copies of tariffs must be filed.} (2) copies of each tariff, supplement, or other schedule of fares or regulations for the use of the Commission, both copies to be included in one package and under one letter of transmittal.

Tariffs sent for filing must be addressed "Interstate ^{Address for tariffs.} Commerce Commission, Bureau of Tariffs, Washington, D. C."

42. The following form, on paper 8 by 10½ inches in ^{Form of appointment of agent.} size, will be used in giving authority to an agent to file for the carrier giving the authority tariffs and supplements thereto. Such authority must not be given to an association or bureau, and it may not contain authority to delegate to another power thereby conferred.

This form may be modified so as to confer the authority desired by omitting the words "(1) for it alone, and (2)," or by omitting the words "and (2) for it jointly with other carriers."

If two or more carriers execute this form containing ^{Cross-exchange of concurrences avoided.} the words "for it jointly with other carriers" in favor of a joint agent it will not be necessary for those carriers to exchange concurrences *with each other* as to the joint tariffs issued by that joint agent under that authority.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

[Date] ———, ———.

Form PX1—No. —.

Know all men by these presents:

That the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of person appointed] its true and lawful attorney and agent for the said company, and in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers, to file passenger-fare schedules and supplements thereto, as required of common carriers by the Act to regulate commerce and by regulations established by the Interstate Commerce Commission

thereunder, for the period of time, the traffic, and the territory now herein named:

And the said [name of carrier] does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its _____ president and to be duly attested under its corporate seal by its secretary, at _____, in the State of _____, on this _____ day of _____, in the year of our Lord nineteen hundred and _____.

Attest: THE [name of carrier],
By _____,
Its _____ President.
_____, Secretary.
[CORPORATE SEAL.]

Original form
to be filed with
Commission and
duplicate fur-
nished agent.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the agent to whom power of attorney is given. Separate authorizations will be given for freight and passenger tariffs.

★ For concurrence in tariffs issued and filed by another carrier or its agent, forms prescribed in Rules 43 to 49, inclusive, will be used.

NOTE.—Experience has demonstrated that it is simpler and better to use concurrence than power of attorney in giving authority to a carrier to publish and file another carrier's fares. Provision for giving power of attorney to another carrier has therefore been eliminated except for the purpose of granting authority to give and receive concurrences as provided in Rule 50.

This does not invalidate or change the terms or effect of any power of attorney now on file.

Form of con-
currence.

43. The following form will be used in giving concurrence in a tariff that is issued and filed by another carrier or its agent and to which the carrier giving concurrence is a party. If given to continue until revoked, it will serve as continuing concurrence in the tariff described in the concurrence and all supplements to and reissues thereof. If provision for concurrence to continue until revoked is stricken out, a new concurrence will be required with each supplement or reissue.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ———.

Form PX2—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of the fare schedule described below, together with supplements thereto and reissues thereof which the named issuing carrier or its agent may make and file, and hereby makes itself a party thereto and bound thereby, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

Title and number. [Here give exact description of title of schedule, including number and name of series.]

Date of issue: ———, ———.

Date effective: ———, ———.

Issued by { [Official.]
[Company.]

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

The original of this form will be filed with the Commission by the carrier of agent who files the tariff and will accompany the tariff. Concurrence accompanying tariff.

44. Concurrence may be given by a carrier to embrace all tariffs issued by another carrier or its agent in which the concurring carrier is shown as a participating intermediate or terminal line, and after the following form: Form of concurrence.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ———.

Form PX3—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto, which the [name of carrier] or its agent may make and file, in which it is shown as a participating carrier, and hereby makes itself

a party to and bound thereby in so far as such schedule contains fares applying via its line and to, but not from, points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way, except to show what agents have been given power of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

Concurrences PX3 cover all fares issued by carrier to which given and which apply via the line of and to, but not from, points located upon the line of the carrier giving the concurrence. This is intended to reserve to the initial carrier the quotation of fares upon traffic originating on its line, except when by use of another form of concurrence or power of attorney it grants authority to some other to quote such fares.

Round-trip excursion fares included in concurrence.

Round-trip excursion fares are not, however, considered as applying to traffic originating at the points where the return journey begins. Concurrences PX3 are, therefore, considered and held to include concurrence in round-trip excursion fares, stated in specific figures or in some such term as "one fare for the round trip."

Form of concurrence.

45. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying fares to or from its points or via its lines, to certain described points or territories, and after the following form, modified as may be necessary to confer exactly the authority intended to be granted. For granting authority to publish and file fares to and from and via its lines, and not otherwise qualified, carriers will use concurrence form PX5 or PX7, as per Rules 46 and 48.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ———.

Form PX4—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto which the [name of carrier] or its agent may make and file and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains fares applying upon ———; or between ——— and ———; or from ——— to ———; or via ———; until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. Original form to be filed with Commission and duplicate furnished carrier.

46. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying fares to and from its points, and via its lines, and after the following form: Form of concurrence.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ———

Form PX5—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto which the [name of carrier] or its agent may make and file, and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains fares applying to and from stations on its lines, and via its lines, until this authority is revoked by formal and official notices of revocation placed

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in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Original form to be filed with Commission and duplicate furnished carrier.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way, unless to show what agents have been given powers of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

Form of concurrence.

47. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form PX1, concurrence in tariffs issued by him under such authority may be in the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ———.

Form PX6—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such tariff contains fares applying via its line, and to but not from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carriers to which this concurrence is given, or of its agent and attorney herein named.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Filing.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Com-

mission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

48. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form PX1, concurrence in tariffs issued by him under such authority may be in the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ———.

Form PX7—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier], assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains fares applying via its line, and to and from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given, or of its agent and attorney herein named.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

49. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form PX1, concurrence in tariffs issued by him under such authority applying to or from certain points or territory may be

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issued in the following form modified so as to confer exactly the authority desired :

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ———.

Form PX8—No. —.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any passenger-fare schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney] or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains fares applying from ——— to points on or reached via its line; or from points on or via its line to ———, until this authority is revoked by formal and official notice of revocation placed in the hands of the Interstate Commerce Commission and of the carriers to which this concurrence is given, or of their agent and attorney herein named.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Filing.

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

NOTE.—Concurrence, form PX2, applies to individual publication named therein. Concurrence, form PX3 or PX6, confers authority to publish and file fares to, but not from, points on line of concurring carrier and via its lines. Concurrence, form PX5 or PX7, confers authority to publish and file fares to and from points on line of concurring carrier and via its lines. Forms PX3, PX5, PX6, and PX7 are not to be modified except as specified in the Rules. The use of these several forms as provided will, therefore, show by the form number just what authority has been given except when form PX4 or PX8 is used, these forms being provided for instances which

the other forms do not exactly fit. The Commission does not require the substitution of concurrence form PX5 for form PX4, now on file, which covers only the authority provided for in the new form PX5, but will welcome such substitution. For all new concurrences forms will be used as specified in the several Rules, and PX4 or PX8 only when neither of the other forms provides for the authority it is desired to confer.

50. ★(a) Each carrier will give authorizations and concurrences serial numbers, beginning with No. 1 in each series, as indicated by forms, and continuing in consecutive numbers as to each series, and keeping these numbers separate and apart from I. C. C. numbers of tariffs. (See paragraph (f) of this Rule.) Concurrences must be given to carriers named therein and authority so granted to a carrier may be by it delegated to its lawfully appointed agent.

Numbers of concurrences and authorizations.

Concurrences must be given to carriers.

Separate concurrences will be given for freight and passenger tariffs.

Separate concurrences for freight and passenger tariffs.
Revocation effective.

(b) A concurrence may be revoked by filing notice of such revocation with the Commission and serving same upon the carrier to which such concurrence was given. Such notice must specify the date upon which revocation is to be made effective, and must give at least sixty days' notice to the Commission and to the carrier to which concurrence was given. Corresponding correction of tariff or tariffs shall be made in the next supplement to or reissue thereof, and if necessary, supplement or reissue shall be issued for the sole purpose of making such correction lawfully effective on statutory notice upon the effective date stated in the notice of revocation.

★ Change in a tariff is effective when and only when the tariff as filed and posted is changed. Change effected by revocation of concurrence can not be known to the public or to the agents of carriers until it appears in the regular way in the tariff. A carrier that has duly revoked a concurrence as herein provided has the right to be free from the unsatisfactory fare or regulation on the date upon which revocation becomes effective. The public has the right to use the fares shown in a lawfully filed and published tariff. The Rule provides ample time within which to change a tariff. If, therefore, when a concurrence is revoked the carrier that publishes the tariff neglects to make change therein as provided in this Rule, passengers are entitled to the fares stated in the tariff,

Liability of carrier for failure to change tariff when concurrence is revoked.

and the carrier that so neglects to correct its tariff will be held liable to other carriers for the difference in charges under the tariff as it is and as it would be if corrected in accordance with revocation of concurrence. If the tariff is published by a joint agent, the provisions hereof will apply to each of his principals as demands are made upon them for tickets under such tariff.

Subsidiary or small-line tariffs.

(c) Subsidiary or small lines which do not wish to issue concurrences or tariffs may give to the parent or other line power of attorney to concur in tariffs, and also general concurrence PX4 or PX5, to file tariffs, and the carrier holding such authority and concurrence may give and also receive concurrence for itself and the lines for which it acts in one instrument. Such subsidiary or small lines, must, however, be named in concurrences so given. In giving power of attorney to concur in tariffs, form PX1 will be modified by striking out from line six the word "file" and substituting the following therefor: "to give and receive concurrences in."

Conflicting authority to be avoided.

(d) In giving concurrences care must be taken to avoid probability of two or more agents or carriers naming conflicting fares or rules.

Carrier issuing authority or concurrence is not relieved from duty of posting tariffs.

(e) The granting of authority to issue tariffs under power of attorney, or general concurrence, does not relieve the carrier conferring the authority from the necessity of complying with the law with regard to posting tariffs. It is proper to use tariffs issued under its authority for that purpose.

Quality and size of paper.

★(f) All powers of attorney and certificates of concurrence must be printed or typewritten on hard calendered paper 8 by 10½ inches in size.

Serial number on upper right-hand corner.

The series to which each power of attorney or certificate of concurrence belongs must be indicated, and the serial number of each must be shown in upper right hand corner of first page. Immediately under the serial number shall be shown the number, or numbers, of powers of attorneys or certificates of concurrence, as the case may be, to be canceled.

Each power of attorney or certificate of concurrence filed must show the post-office address of the issuing officer in the date line preceding body of form.

Joint concurrences of two or more carriers under same traffic officer.

When a series of joint concurrences, issued on behalf of two or more carriers by the same traffic officer, is maintained, each concurrence filed in that series must be issued on behalf of all the carriers for whom the common

traffic officer acts. Otherwise separate files of concurrences must be maintained, one for each road, certificates in each series of such individual files to be filed in consecutive numerical order as required by paragraph (a) of this Rule.

51. All tariffs that are filed with the Commission shall be accompanied by a letter of transmittal, on paper 8 by 10½ inches in size, and to the following effect:

[Name of carrier.]

GENERAL PASSENGER DEPARTMENT,

[Date] ———, ———.

Advice No. ———.

To the INTERSTATE COMMERCE COMMISSION,

Washington, D. C.:

Accompanying schedule is sent you for filing in compliance with the requirements of the Act to regulate commerce, issued by ———, bearing—

I. C. C. No. —;

Supp. No. — to I. C. C. No. —;

Effective ———, 19—;

and is concurred in by all carriers named therein as participants under continuing concurrences or authorizations now on file with the Interstate Commerce Commission, except the following-named carriers, whose concurrences are attached hereto:

[Signature of filing agent.]

A separate letter may accompany each schedule, or the form may be modified to provide for filing under one letter as many schedules as can be conveniently entered.

NOTE.—If receipt for accompanying schedule is desired, the letter of transmittal must be sent in duplicate, and one copy will be stamped and returned as receipt.

ADMINISTRATIVE RULINGS.

A star (★) denotes that a change or addition has been made in either the rule or paragraph.

Round-trip excursion fares.

52. ROUND-TRIP EXCURSION FARES (issued October 12, 1906).—(a) It is the opinion of the Commission that the provisions of the amended sixth section in respect of the publishing, filing, and posting of tariffs apply to the mileage, excursion, and commutation fares authorized by the twenty-second section. Such a fare when first established or offered is held to be a change of fare which requires a notice of thirty days. No reason appears why this notice should not be given in the case of mileage fares, commutation fares, round-trip fares, or other reduced fares which, like ordinary passenger fares, are established for an indefinite period and appear to be a matter of permanent policy. Strictly excursion fares, however, covering a named and limited period, are of a different character in this regard and may properly be established on much shorter notice.

To avoid the necessity for special application in cases of this kind the Commission has made a general order fixing the following-named time of notice of round-trip excursion fares, and carriers may govern themselves accordingly:

Fares for an excursion limited to a designated period of not more than three days may be established, without further notice, upon posting a tariff one day in advance in two public and conspicuous places in the waiting room of each station where tickets for such excursion are sold and mailing a copy thereof to the Commission.

Fares for an excursion limited to a designated period of more than three days and not more than thirty days may be established upon a like notice of three days.

Fares for a series of daily excursions, such series covering a period not exceeding thirty days, may be established

upon like notice of three days as to the entire series, and separate notice of the excursion on each day covered by the series need not be given.

Fares for an excursion limited to a designated period exceeding thirty days will require the statutory notice unless shorter time is allowed in special cases by the Commission.

(b) The term "limited to a designated period" used above is construed to cover the period between the time at which the transportation can first be used and the time at which it expires. If tariff names different selling dates for excursions which form a series, and the period of time between the first selling date and the last date upon which any tickets sold under the tariff may be used exceeds thirty days, the series of excursions so provided for do not come within the period of "not exceeding thirty days," and such tariff may not be issued by authority of this Rule. But it is permissible to establish fares for two or more distinct and separate excursions to various points and for various occasions, each such excursion limited to a designated period of not more than thirty days, and for convenience of public and agents to announce them in a bulletin tariff under this Rule. It is also permissible to show in such bulletin fares for a series of excursions between the same points, such series covering a period of more than thirty days, provided full statutory notice of such series is thereby given, and provided title-page of publication bears notation "Effective — except as noted in individual items as to which full statutory notice is given." When such items are brought forward to another issue of bulletin they must bear notation "First announced in Bulletin No. —. I. C. C. No. —, of —, 19—."

(c) (Adopted June 28, 1909.) No supplement may be issued to any tariff that is issued under this Rule except for the purpose of canceling the tariff, and title-page of tariff must so state. Every such tariff must bear notation on title-page "Issued under authority of Rule 52, Interstate Commerce Commission Tariff Circular 18-A."

* (d) When it becomes necessary to change the terms of a short-time excursion-fare tariff issued under this Rule and covering a period not exceeding thirty days, for any of the following reasons: Changes in dates of excursion or meeting, involving changes in dates of sale and in return limit, not exceeding thirty days; extension

Definition of term "limited to a designated period."

No supplement to tariff under this rule.

Changes in excursion tariffs.

of the return limit, not exceeding thirty days; additional selling dates; additional selling points; additional routes; additional stop-over privileges; reduction in fares; or to cancel such tariff before date of its expiration, such change or cancellation may, when the excursion is limited to a designated period of not more than three days, be made by posting tariff containing the change, or supplement containing the cancellation, one day in advance in two public places in the waiting room of each station where tickets for such excursion are sold, and mailing copy thereof to the Commission. If the excursion is limited to a designated period of more than three days and not more than 30 days, cancellation or change may be made on like notice of three days. If the excursion is limited to a designated period exceeding thirty days, statutory notice must be given of change or cancellation, or special permission for shorter time must be secured.

No index or
routing required.

(e) (Adopted October 12, 1908.) Short-time excursion-fare tariffs issued under authority of this Rule need not contain alphabetically arranged indexes of stations from and to which the fares apply, nor show specific routing *when* the fares are stated in such terms as "One first-class fare for the round trip," etc.

(Adopted June 28, 1909.) When the fares are stated in specific sums the routing may be shown by reference to other tariffs which contain the desired routing, and in the following manner: Show in the tariff by proper initials and I. C. C. numbers the tariffs that are thus referred to, designating each of them by a letter, and place opposite the name of each point of origin, in a column marked "Route," the proper reference letter. For example: "Route A. Routing as per — I. C. C. No. —." "From Smithville, Nebr., to Jonesboro, Kans., Route A, \$17.20."

Certificate plan.

53. ROUND-TRIP TICKETS ON CERTIFICATE PLAN (issued December 21, 1906).—Round-trip tickets on the certificate plan may be issued at reduced fares and their use be confined to the delegates to a particular convention or to the members of a particular association or society, upon the condition that a certain number of such tickets shall be presented for validation for return trip before the reduced fare for return trip will be granted to any. Tariffs of fares and regulations governing issuance and use of round-trip tickets on certificate plan must be regularly filed and posted, and the regulations must not

be such as will operate to evade or nullify any provision of the law.

The Commission suggests that the rule should provide that not less than one hundred tickets shall be presented for validation for return trip before reduced fare will be granted to any.

Round-trip tickets on certificate plan may also be issued to Government employees going home to vote and returning to their employment.

It is represented that in many instances persons desiring to attend on some particular day of the convention are prevented from promptly returning to their homes because the minimum number of tickets required has not been presented for validation. Answering numerous inquiries, the Commission expresses the opinion that it would not be unlawful or improper for carriers to accept a satisfactory guaranty or bond of an association or society, *which is entitled to and for which the round-trip fare is made*, that the minimum number of tickets will be validated or the difference between the reduced fare and the full fare paid by the association or society, thus permitting the prompt validation of tickets and reduced-return-trip fare, it being understood that if the specified number of tickets be not validated the society will, in good faith, be required to pay the difference agreed upon.

54. CHANGES IN RATES OR FARES (issued March 18, 1907).—Section 6 of the Act as amended June 18, 1910, provides that—

No change shall be made in the rates, fares, and charges, or joint rates, fares, and charges, which have been filed and published by any common carrier in compliance with the requirements of this section, except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule *then in force* and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by *printing new schedules*, or shall be plainly indicated *upon the schedules* in force at the time and kept open to public inspection.

(a) (Adopted February 8, 1909.) This provision plainly refers to rates and fares which have already become effective, and also applies the term "proposed changes" to rates and fares which have not become effective. It follows that after notice of a change in rates or fares has been filed and published the new rates

Rate or fare changes.

Rate and fare changes filed and published must become effective.

Rates or fares in force can only be changed on thirty days' notice.

or fares must be allowed to go into effect, and can not be withdrawn, canceled, or superseded except upon notice filed and published for at least thirty days after the date when the rates or fares have become effective. A tariff may provide that it will expire upon a date specified therein and which is at least thirty days subsequent to the date upon which it becomes effective, or a tariff may contain a notation that certain rates or fares therein stated will expire upon a date therein specified which is at least thirty days subsequent to the date on which such rates or fares become legally effective, and this will be legal notice of the cancellation or withdrawal of such tariff or of such rates or fares. Any tariff may be changed upon statutory notice of thirty days, or, under special permission from the Commission, upon shorter notice. Therefore a provision in a tariff that the tariff or any part of it will expire upon a given date is not a guaranty that the tariff, or such part of it, will remain effective until that date. Such provision must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way.

Excursion passenger-fare tariffs issued under authority of Rule 52 are not subject to the provisions of this Rule.

A tariff of passenger fares which provides that it will expire upon a specified date, and that is not issued under authority of Rule 52, may be amended in the regular way and upon statutory notice, even though such amendment will not remain in effect for thirty days prior to the date of expiration of the tariff.

For good cause Commission may allow exception.

(b) (Issued March 18, 1907.) Carriers must comply fully with the requirements of the law respecting the filing, publication, and taking effect of proposed rates and fares, unless upon application and for good cause shown the Commission, in the exercise of authority conferred upon it, shall allow rates or fares to be changed or withdrawn upon less than thirty days' notice, or by formal order otherwise modify such requirements. No regulation or rule of the Commission is authority to change rates or issue tariffs on less than statutory notice unless so specifically provided in the rule or regulation.

Joint rates or fares only lawful rates or fares for through traffic.

55. JOINT RATE OR FARE GREATER OR LESS THAN SUM OF INTERMEDIATE RATES OR FARES (issued September 15, 1906).—Two or more connecting carriers may establish a joint rate or fare only upon notice of thirty days

or under special permission. A joint rate or fare when duly established and in force becomes the only lawful rate or fare for through transportation.

A through rate or fare from point of origin to destination of a shipment or passenger is the lawful rate or fare applicable to that movement, whether the rate or fare be confined to the line of one carrier or be a joint rate or fare applying over the lines of two or more carriers. (See Rules 5 and 36.)

★ 56. REDUCTION OF RATE OR FARE TO EQUAL SUM OF INTERMEDIATE RATES OR FARES (adopted February 13, 1911).—(a) Where a rate or fare is in effect by a given route between any points which is higher than the sum of the intermediate rates or fares between the same points, by the same or another route, and such rate or fare has been in effect thirty days or longer, such higher rate or fare may, until further notice from the Commission, be changed *by reducing the same to the sum of such intermediate rates or fares, but not otherwise*, upon posting and filing with the Commission one day in advance *a supplement to or a reissue of the tariff in which the rate or fare so reduced appears*, which supplement or reissue shall show the reduced rate or fare; shall bear notation that it is effective on less than statutory notice "by authority of Rule 56 of Tariff Circular 18-A;" shall show on title-page, or in connection with such item, by identifying references and I. C. C. numbers, the tariffs that contain the factors which make up the new rate or fare; except that, if the rate so reduced is contained in a strictly class rate tariff, the reduced rate will be published in a new commodity tariff or in a supplement to or reissue of a tariff which contains commodity rates and in which all carriers whose lines make up the route over which the rate applies have concurred, and which is issued by the same carrier or agent that issued the tariff which contained the rate so reduced. Such tariff, supplement, or reissue must bear on its title-page, or in connection with such item, the notation: "Issued under authority of Rule 56, Interstate Commerce Commission Tariff Circular 18-A. The rate (or rates) hereby reduced appears in ——— Tariff, I. C. C. No. ———, item (or page) —, and the factors from which the new rate herein shown as equalling the sum of the intermediate rates are found in ——— Tariff, I. C. C. No. ———, item (or page) —, and ——— Tariff, I. C. C. No. ———, item (or page) —."

Rates or fares higher than sum of intermediate rates or fares.

Reduction on one day's notice. Reduction of rate or fare must be made in supplement to tariff which contains rate or fare so reduced.

Notation on tariff.

Except when a new commodity rate is established to supersede a higher class rate this Rule limits the authority to change rates or fares thereunder to changes that are announced in supplements to or reissues of the tariffs in which the rates or fares so reduced appear, and each such supplement or reissue shall show specifically on its title-page the authority under which it is made effective on less than statutory notice and definite and distinct reference to the factors which are used to make up the reduced rate or fare.

Through rate or fare higher than sum of intermediate rates or fares *prima facie* unreasonable.

(b) Many informal complaints are received in connection with regularly established through rates or fares which are in excess of the sum of the intermediate rates or fares between the same points. The Commission has no authority to change or fix a rate or fare except after full hearing. It is believed to be proper for the Commission to say that if called upon to formally pass upon a case of this nature it would be its policy to consider the through rate or fare which is higher than the sum of the intermediate rates or fares between the same points as *prima facie* unreasonable and that the burden of proof would be upon the carrier to defend such higher through rate or fare.

NOTE.—Attention is called to the fact that section 4 of the Act, as amended, prohibits a through rate or fare that exceeds the sum of the intermediate rates or fares that are subject to the Act. The term "intermediate rates" as used in said section is interpreted to mean the straight-away or direct-haul rates or fares, and not to include any back-haul charge.

Rates or fares to points on new lines.

★57. NEW ROADS.—On newly constructed lines of road, including branches and extensions of existing roads, local rates and fares, and also joint rates and fares, may be established in the first instance to and from points on such new lines by posting tariffs of such rates or fares issued by the carrier owning or operating such newly constructed lines or by joint agent acting for it under power of attorney FX1 or PX1, and filing the same with the Commission one day in advance. Such tariff must bear notation that it applies to or from points on newly constructed lines to or from which no rates or fares from same points of origin or to same points of destination have applied, and give reference to this rule. Tariffs or supplements to tariffs issued by other carriers establishing rates to or from or via such newly constructed line may

be issued only upon statutory notice or special permission for shorter time. It will be the Commission's policy to grant such reasonable permissions as are necessary to give carriers and shippers fullest efficiency of such new lines.

***58. REQUESTS FOR PERMISSION TO AMEND TARIFFS** Rates or fares changed on less than statutory notice.
ON LESS THAN STATUTORY NOTICE (issued November 16, 1906).—(a) The Act authorizes the Commission, in its discretion and for good cause shown, to permit changes in tariff rates or fares on less than the statutory notice. It is believed that this authority should be exercised only in instances where special or peculiar circumstances or conditions fully justify it. Confusion and complication must follow indiscriminate exercise of this authority. Applications for permission to change Application to Commission. tariffs on less than statutory notice shall be addressed to the Interstate Commerce Commission, and in the following form, on paper 8 by 10½ inches. Such applications must be over signature of the president, vice president, Over whose signature. general traffic manager, assistant general traffic manager, general freight agent, general passenger agent, or a duly authorized attorney and agent, specifying title.

 [Name of carrier.]

-----, 191 .
 [Place and date.]

Form of application by a common carrier for authority to make changes in rates or fares upon less than 30 days' notice.

To the INTERSTATE COMMERCE COMMISSION,
 Washington, D. C.:

The -----, by -----, its -----,
[Name of carrier.] [Name of officer.] [Title of officer.]
 does hereby respectfully petition the Interstate Commerce Commission that it be permitted, under Section 6 of the Act to regulate commerce as amended June 18, 1910, to put in force the following rates, (or fares) to become effective ----- days after the filing thereof with the Interstate Commerce Commission:

[State fully the rates (or fares) which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination.]

Your petitioner further represents that the said rates (or fares) above mentioned will be published in Supp. No. .. to Tariff I. C. C. No., and will supersede and take the place of the rates (or fares) on like traffic from and to the points above named which are set forth in Tariff I. C. C. No. (or supplement) on file with the Commission.

And your petitioner further bases such request upon the following facts, which present certain special circum-

stances and conditions justifying the request herein made:

 [State fully all the circumstances and conditions which are relied upon as justifying the application, and if based upon rates (or fares) in effect via other lines, specific reference shall be given to the I. C. C. numbers of the tariffs of such other line or lines.]

 [Name of carrier.]

By

 [Name and title of officer.]

Subscribed and sworn to before me this ---- day of
 -----, 19--.

Notary Public.

The Commission requests that as far as possible these applications be sent by mail and not by telegraph. Action will be taken only on receipt of the verified application.

Where full notice has been given by competing carrier.

(b) (Issued September 29, 1906.) Desire to meet the rates or fares of a competing road or line which has given the full statutory notice of change in rates or fares will not of itself be regarded as good cause for allowing changes in rates or fares on a notice of less than thirty days.

Amendment of joint tariffs on less than statutory notice.

(c) (Issued March 18, 1907.) A request from one carrier, party to a joint tariff, for permission to amend such tariff on less than statutory notice necessarily raises some question of doubt as to the wishes or concurrence of other interested carriers also parties to the tariff. It is desirable and proper that any such permission given by the Commission should affect alike all parties to the tariff that is to be amended under it. The Commission therefore decides:

Applications by carrier or agent authorized to file the tariff.

That when a carrier gives an agent authority to file tariff or tariffs and supplements thereto in its name, place, and stead, or concurrence in tariff or tariffs and supplements thereto which another carrier or its agent may file thereunder, the agent or carrier to whom such authority or concurrence is given has, under the terms of the authority or concurrence, the power and the right to request, in the name and on behalf of the carriers participating in such tariff or tariffs, permission to amend same on less than statutory notice.

Request must come from one who issues the tariff.

Such requests as to joint tariffs must be made by the agent or the carrier that is authorized to file the tariff, and in making them form same as that prescribed for use of individual carrier shall be used, except that the

request must state that it is made in the name and on behalf of all carriers that are parties to the tariff, and that formal authority to file the tariff, or formal concurrence in the tariff, is on file with the Commission from each of such carriers.

(d) Request will be signed and verified by the agent or officer who makes it, and every carrier that has, by formal authority or concurrence, made itself a party to such tariff will be held bound by the act of its agent under such authority or by its concurrence. This Rule will, in so far as it is possible, be applied to tariffs now on file, and will be effective in all cases as to freight tariffs from and after May 1, 1907, and as to passenger tariffs from and after June 1, 1907.

(e) This authority will be exercised only in cases where actual emergency and real merit are shown. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the omissions or mistakes together with a full statement of the circumstances attending such omission or error and be presented with reasonable promptness after issuance of the defective tariff.

59. EQUALIZING RULES OR TARIFFS (issued March 18, 1907).—In the not distant past many carriers issued circulars or tariff rules which in effect and substance stated that that carrier would meet any rate or fare made by a competitor or share in any through rate or fare made by a connecting carrier for the purpose of meeting or protecting any rate or fare via another route or gateway. Those rules plainly intended and contemplated that rates or fares which were not found in that carrier's tariffs should be applied to traffic moving over its lines.

The law makes it clear that no carrier can lawfully apply to transportation over its lines any rate, fare, or charge that is not plainly stated in its own tariffs at that time; and that all such rules as are now referred to and all practices under such rules are unlawful.

* 60. FREE TRANSPORTATION OF PASSENGERS IN CONNECTION WITH SHIPMENTS OF PROPERTY (issued November 6, 1906).—Section 1 of the Act provides that free transportation may be furnished "to necessary caretakers of live stock, poultry, milk, and fruit." This provision in the statute is construed to mean necessary caretakers of live stock, poultry, milk, or fruit that is loaded and ready for

Concurring carriers bound by act of authorized agent.

Permission to change rates or fares on short notice limited to emergency or necessity.

Application of rates or fares in force on other lines unlawful.

Transportation of caretakers in connection with freight.

movement, or the movement of which is actually contracted for or that is actually in transit, and may include free or reduced-fare transportation for the return of such necessary caretakers. This transportation may be in the form of free pass or reduced-fare transportation, but in any event it must be the same for all under like circumstances and must be published in the tariff governing transportation of the commodity. Tariff may provide that caretaker sent out to return with shipment that is arranged for or that is in transit will be required to pay fare going and that such fare will be refunded if person so sent does return as actual caretaker of shipment for which he is sent. But a tariff rule which provides that if a person goes out over the line with the intention of purchasing live stock and returns within a certain time with a certain number of cars of live stock, the carrier will refund to him the fare paid on outgoing trip is improper and unlawful.

When unlawful.

Includes vegetables, bees in hives, and live fish.

The Commission is of the opinion that the term "fruit" in this connection includes perishable vegetables, and that bees in hives and live fish may be included in the term "live stock," when shipped under conditions that render caretakers "necessary."

Cross references in railroad and express tariffs.

(Adopted May 10, 1909.) When an express company provides in its tariff for free transportation for caretakers in charge of live-stock, poultry, milk, or fruit, and the railroad company over whose lines such express company operates provides in its tariff that such caretakers may be permitted to ride in passenger car, the tariff of the express company and that of the railroad company must give reference to each other.

★ 61. REDUCED RATES OR FARES FOR GOVERNMENT.—(Adopted December 7, 1909.) Rule 61 was canceled effective December 31, 1909. (See Rules 33 and 36, Conference Rulings Bulletin No. 4.) Existing tariffs must be amended accordingly.

Party-fare tickets.

62. PARTY-FARE TICKETS (issued September 29, 1906). —The tariffs and regulations governing the issuance and use of party-fare tickets, together with the rules relating to the allowance of free baggage to persons using such tickets, must be regularly filed and published. The privileges so extended must not be limited to any particular class or classes of persons, but must be open to all. Regulations governing issuance and use of party-fare tickets must not be such as will operate to evade or nullify

any provision of the law. The Commission suggests that the rules should provide that the party shall travel on one ticket and consist of not less than ten persons.

(Issued November 15, 1907.) Carriers may provide in their tariffs as follows:

When a party of ten (10) or more persons are traveling on a party-fare ticket and require the exclusive use of a baggage car, and such baggage car is not forwarded upon the same train which bears the passengers, and where it is necessary that one or more men of the party shall accompany the baggage car, a separate ticket may be issued for the use of such men as members of the party, provided such ticket is indorsed as a part of such party-fare ticket and for, and limited to, the train upon which the baggage car is hauled.

Members of party traveling on party-fare ticket may accompany exclusive baggage car on another train.

It is not, however, lawful or permissible to permit person or persons to go in advance of or to follow the party as passengers and be computed as a part of the party or as entitled to the party fare. All tariff provisions to such effect are unlawful and must be withdrawn at once.

63. TRANSPORTATION OF CIRCUS OUTFITS (issued March 18, 1907).—The act to regulate commerce, as amended June 29, 1906, applies to the transportation of circuses and other show outfits, but the Commission recognizes the peculiar nature of this traffic and the difficulty of establishing rates thereon in advance of shippers' request describing the character and volume of the traffic offered, and has therefore entered a general order authorizing carriers to establish rates on circuses and other show outfits by tariff, to become effective one day after filing thereof with the Commission, and relieving them from the duty of posting such tariffs in their stations. Such tariff may consist of a proper title-page reading "as per copy of contract attached," and to it may be attached a copy of the contract under which the circus is moved. As far as practicable general rules or regulations governing the fixing of such rates should be regularly published and filed.

Transportation of circus outfits.

Rates effective one day after filing with Commission.

64. MAXIMUM RATES AND FARES NOT SPECIFIC RATES AND FARES (issued March 18, 1907).—Rule 4 and Rule 34 prohibit including in a tariff any rule or regulation which in any way or in any terms authorizes substituting for any rate or fare named in the tariff a rate or fare found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part. These

Rates and fares and their application must be specifically stated.

rules are intended to bring about entire discontinuance of tariff rules which provide that rates or fares named in tariff will apply to certain points "as maxima," or that if a combination on some gateway or basing point makes less than the rates or fares named in tariff such combination will apply, or for equalizing or protecting any rate or fare via another line or route or gateway, etc. The intent is that tariffs shall state in specific, clear, and unambiguous terms the rates and fares and their application. (See Rule 5 (b) and Rule 36.)

Rates and fares to or from intermediate points.

(Issued January 7, 1908.) Paragraph (d) of Rule 4, and paragraph (c) of Rule 34, provide that a tariff shall contain complete alphabetical indexes of the points from and to which it applies. This is not to be understood as prohibiting the incorporation in a tariff of a rule providing for the affirmative and definite application of the rates or fares named in that tariff to or from points *not indexed* and which are directly intermediate on the same line with points that are indexed.

Specific through rate or fare must be invariably applied.

(Issued March 18, 1907.) In every instance where there is a *specific* rate or fare from point of origin to point of destination it must be applied to through shipments or passengers regardless of possible lower combinations. (See Rules 5, 36, and 55.)

"Taken only by special agreement" not sanctioned.

65. CLASSIFICATION OF HIGH EXPLOSIVES (issued May 29, 1907).—Some freight classifications provide that high explosives will be "taken only by special agreement." Carriers are prohibited from carrying any traffic except under tariffs provided in the manner prescribed by law. It follows, therefore, that no traffic or transportation can be the subject of special agreement between carrier and shipper except as provided in section 22 of the Act. If it is impracticable to classify high explosives in the classification the statement must not be, "taken only by special agreement," but must be, "subject to regulations and rates in tariffs of the individual carrier;" and each carrier must provide in its tariffs the rates and regulations applicable to such traffic. (See Rule 4 (h).)

Minimum carload weight.

66. MINIMUM CARLOADS.—(a) Where a rate for carload shipment is relatively lower than less-than-carload rate the reasonableness of a minimum carload weight to which carload rate will apply is recognized, as is also the desirability of highest efficiency both in the movement and the loading of cars.

Carriers provide cars of varying dimensions and capacities, and they provide minimum weights for the several kinds of cars based upon those dimensions and capacities. Minimum carload weights for cars of varying dimensions or capacities.

At times when transportation facilities are inadequate to supply the demand upon them it is frequently difficult or impossible for the carrier to furnish a shipper with a car of the dimensions or capacity desired by him, although the carrier has in its tariffs provisions for the use of such car. Manifestly it is not equitable or proper to require the would-be shipper to pay additional transportation charges for the privilege of using a car of different dimensions or capacity from that which would suit his shipment or forego entirely his desire to ship.

Some carriers provide elastic rules which properly permit the use of cars of different dimensions or capacities when they are furnished by the carrier in lieu of those desired or ordered by the shipper. Other carriers do not so provide, and as a result many instances arise in which the initial carrier under such provision furnishes the shipper with cars at its convenience and connecting carriers that have not adopted similar provisions assess higher charges in accordance with their tariffs, thus imposing upon the shipper a wholly unexpected, and, in the view of the Commission, unreasonable, charge.

(Adopted December 7, 1909.) The Commission believes it to be the duty of every carrier to incorporate in its tariff regulations a rule to the effect that when carrier can not promptly furnish car of capacity or dimensions desired by the shipper, and for its own convenience does provide a car of greater capacity or dimensions than that ordered, such car may be used on the basis of the minimum carload fixed in the tariffs for cars of the dimensions or capacity ordered by the shipper *provided the shipment could have been loaded into or upon car of the capacity or size ordered*; and that if a car of smaller capacity than that ordered by the shipper is furnished, it may be used on the basis of actual weight when loaded to its full visible capacity, or that that portion of the shipment which can not be loaded into the smaller car will be taken in another car and the shipment treated as a whole on the basis of the minimum fixed for the car ordered by the shipper; and that if the carrier is unable to furnish a car of large dimensions, ordered by shipper, it may furnish two smaller cars which may be used on the basis of the mini Capacity of car furnished greater than that of car ordered.

imum fixed for the car ordered; it being understood that shipper may not order a car of dimensions or capacity for which a minimum is not provided in the carrier's tariffs.

In all such cases the capacity of the car ordered, the date of such order, the number, initials, and capacity of the car furnished should be stated on the bill of lading and the carrier's waybill.

In case of controversy between shippers and carriers caused by absence of such rule from tariffs which provide graduated minima for cars of different sizes the Commission will regard such tariffs as *prima facie* unreasonable.

It is the duty of carriers to provide reasonable facilities for transportation, and if they can not furnish equipment to move the carloads provided for in their regulations it is clearly their duty to provide some other method of transporting as one shipment, and at the rate named therefor, such carload weight when tendered by shipper.

(b) (Adopted May 12, 1908.) The minimum weight upon which carload rate is based is a part of the rate, because the charges on the shipment are determined by such minimum weight. The publication, posting, and filing of the rate and of the minimum weight are therefore equally necessary, and it is also equally necessary that both be observed.

Through carload minimum to be provided in tariff.

★ Where two or more carriers publish a joint through rate they must publish in connection therewith one carload minimum weight for the through movement under that rate. This ruling is not to be understood, however, as condemning the publication in joint tariffs and the use of through rates made up in combination on a specific base point and providing one minimum weight in connection with the specified portion of the rate up to the base point and a different minimum weight in connection with the specified portion of the rate beyond the base point.

Light loading of new cars on first trip.

Carriers' mechanical departments have rules against loading to its full capacity a new car on its first trip. This rule is understood to generally provide that such car shall not on its first trip be loaded to more than 75 per cent of its capacity. The Commission is requested to pass upon the question of conflict between the tariff minimum and the mechanical department's rule.

All new cars are now of much greater capacity than those of a few years ago, and carload minima have also been increased. The number of commodities that are

shipped in closed cars and that ordinarily are loaded to the full capacity of the car are comparatively few. Except in times of actual car shortage there would seem to be but little difficulty in selecting for such new cars loading that would bring no conflict between the tariff and the mechanical department's rule. The tariff rule is the one which the carrier is by law obligated to observe and maintain. It is not possible to authorize setting aside the tariff requirement without creating or making possible discriminations. There is no objection to incorporating in the tariff a rule that the minimum weight applicable to a new car on its first loading shall be a certain percentage of its capacity or of the minimum fixed in the tariff. We adhere to the view that the rule governing minimum weight shall be contained in a lawful tariff and that it must be applied and observed.

67. MOVEMENT OF SHIPMENTS REFUSED BY CONSIGNEES OR DAMAGED IN TRANSIT (issued June 3, 1907).—

(a) In one form or another many carriers provide for the return free or at reduced rates, or the reconsignment under through rate from point of origin, of shipments that are damaged in transit or are refused by consignees. In answer to request for ruling the Commission expresses the opinion that in a nondiscriminatory way and within reasonable limits such rule is not unlawful or improper. Care should be taken to preserve the distinction between shipments in which the carrier has no interest except the collection of the transportation charges and which are reconsigned or returned purely out of consideration for the interests of the owner of the shipment, and shipments which, because of injury or damage in transit, are left on the carrier's hands and in which it has an interest to the extent of the transportation charges and the value of the shipment.

Free carriage or reduced rates or reconsignment at through rate of shipments damaged in transit or refused by consignees.

(Adopted November 9, 1908.) A rule providing that shipments which are refused by consignee may be reconsigned and forwarded, under application of through rate from point of origin to final destination, either with or without the exaction of a reconsignment charge, is permissible. Where tariff provides for return of shipments at reduced rates the tariff rule must be strictly complied with. Such tariff rule should provide that waybill covering return movement and shipping receipt must show reference to original outbound shipment and waybill.

Shipments refused by consignee.

Shipments
damaged in
transit.

(b) (Adopted June 14, 1909.) A rule providing for the reconsignment or return free or at reduced rates of articles damaged in transit is not improper if it is so framed and applied as to prevent abuses or improper practices under it. The practice of returning at reduced rates articles that have been delivered into the possession of consignees and have become shopworn or have gotten into a state of disrepair through use is neither proper nor free from unjust discrimination. A rule according reduced rates on return shipments is proper only in so far as it applies to the return of shipments that are received by the consignee in bad order or are refused by consignee without examination. As to shipments that are not in closed packages and thus are open to immediate inspection, the rule should provide that in order to secure reduced rates on return movement the goods shall not have left the possession of the carrier before such claim is made. As to goods that are in closed packages, the rule should provide that in order to secure reduced rates on return movement such goods must be returned to the carrier within ten days.

Rules must be
published and
applied only via
route over which
shipment moved.

(c) (Issued June 3, 1907.) Such rules must be in tariffs and must be applied without discrimination and should provide that rule for return of shipments applies only via the route and line over which the shipment moved. Uniformity among carriers in rules and practices in such matters as these is desirable and contributes to thorough understandings and harmony between carriers and shippers.

Damaged in
transit ship-
ments left on
hands of carrier
may be hauled
over its lines as
its own property
would be.

(d) Where a shipment is refused and is left on the hands of the carrier, it is believed that the carrier, when it recognizes its responsibility for the value of the shipment and the transportation charges on same, may haul it for itself to such point on its own lines as offers the best opportunities or facilities for disposing of it to advantage, just as it may haul property of its own.

Old system of
concurrences
which was al-
most universally
followed, and
which was uni-
versally accepted
and recognized by
carriers.

68. RESPONSIBILITIES OF CARRIERS UNDER TARIFFS (issued November 15, 1907).—(a) Prior to May 1, 1907, the date upon which the Commission's freight tariff rules became effective, no uniform or definite practice or rule was followed by carriers in regard to concurrence in joint tariffs. The plan most generally followed was for each carrier to file with the Commission a statement that it thereby concurred in any tariff, issued by any carrier, and in which it was shown as a participant, except when it

gave to the Commission specific notice of nonconcurrence in particular issues. Some carriers, however, did not file such a declaration, but accepted traffic and settlements under joint tariffs in which they were shown as participants, although no concurrence therein had ever been given.

The general, if not universal, understanding and practice was that every carrier had a right to issue tariffs containing joint through rates or fares over the lines of other carriers named therein as participants, to note therein that the carriers named as participants would certify their concurrence to the Interstate Commerce Commission, and for all to use such tariffs except in cases where carriers specifically certified to the Commission their nonconcurrence in certain publications.

To now undertake to check out and follow down definite and actual concurrence or carriers in tariffs issued prior to May 1, 1907, would be a hopeless task; and to declare unlawful all tariffs, and participation therein, which were not so definitely and actually concurred in, other than by use thereof, would be to overthrow practically all such joint tariffs and leave transportation in chaos.

Some carriers have sought to evade liabilities under such joint tariffs on the plea that they never concurred therein, although in each instance so far brought to notice such carrier is shown to have accepted traffic and collected charges thereon in accordance with such tariff up to, and in some instances subsequent to, date of filing notice of nonconcurrence.

(b) Such complications are impossible as to tariffs issued subsequent to May 1, 1907, if the Commission's tariff regulations are observed. The Commission can not undertake to now excuse carriers from responsibilities placed upon them by tariffs that were issued prior to May 1, 1907, and in which they are named as participants in conformity with customs that were followed so generally and for so long a time as to render them binding upon those who did not give notice of nonconcurrence, except in accordance with and subsequent to filing of specific notices of nonconcurrence.

Under tariffs filed prior to May 1, 1907, carriers are responsible, in accord with custom then generally followed, except when and after they filed specific notice of nonconcurrence in certain issues.

The Commission's tariff regulations require that the carrier or joint agent that issues a joint tariff shall, before issuing same, have secured the definite and affirmative concurrence of every carrier shown therein as a

participant, and shall show in connection with the name of each participating carrier the form and number of the instrument by authority of which that carrier is made a party to the tariff.

Carrier not bound by being named as participant in tariff without its authority.

(c) A carrier has no means of preventing another carrier from naming it as party to a joint tariff without proper authority so to do. It can not, however, be bound by such unauthorized act, and it is its obvious duty to refuse to recognize or apply any such unlawful issue. It should also at once call attention of the Commission and of the one that issued the tariff to such erroneous action.

Tariff lawful as to carriers shown as participants under lawful authorizations and unlawful as to carriers named as participants without lawful authorities.

(d) If one or more carriers are, without proper authority, so shown as participating in any tariff and other carriers are lawfully shown as parties thereto, the use of the publication is unlawful as to the carriers that are named as parties thereto without proper authority and lawful as to those that are parties to it under proper authority. The carrier over whose line shipments or passengers are sent under a joint tariff is bound by the terms of that tariff if it has lawfully concurred therein, and, if it has not lawfully concurred therein, may not accept earnings in accordance therewith, but must demand for the service performed its lawful earnings according to its lawful tariffs.

Responsibility for unlawful incorporation of a carrier in a tariff.

(e) Responsibility for the unlawful incorporation of any carrier in a tariff will rest upon the carrier that issued the tariff, or, if the tariff is issued by a joint agent and attorney for two or more carriers, will rest upon that one of his principles that accepts and forwards the business under that tariff.

Policy of Commission on complaints.

(f) In passing upon a complaint of overcharge growing out of improper or unlawful inclusion of any carrier's name in the list of participating carriers in the tariff under which the business was accepted and forwarded the Commission will apply the principles above stated.

Status on and after June 1, 1909, of freight tariffs filed prior to May 1, 1907.

(g) By its Special Order No. 3 of March 2, 1909, the Commission required that all freight tariffs which were on file prior to May 1, 1907, and as to which specific participation and concurrences were not shown as required by the Commission's tariff regulations, should, on or before June 1, 1909, be canceled or be supplemented so as to show specific participation and lawful concurrence of every carrier that uses or participates in such tariff subsequently to June 1, 1909. It declared that the use of such tariffs as to which the terms of the Special Order

had not been complied with on or before June 1, 1909, would, after June 1, 1909, be unlawful and that prosecution will follow such use.

★ The Commission's ruling of June 14, 1909, adding to above ruling the following, is hereby *rescinded*:

If, however, such a tariff not having been canceled is hereafter supplemented on statutory notice to show the list of participating carriers and their lawful concurrences therein, such tariff may, subsequent to the lawfully effective date of such supplement, be lawfully used by the carriers so shown as participating and concurring therein.

69. EXTENSIONS OF TIME ON LIMITED TICKETS (issued November 15, 1907).—Carriers may provide in their tariffs that limited passenger tickets may be extended in case of the illness of the passenger holding such ticket. Tariffs must give the title of the officer who shall have authority to give such extension, and such officer shall be required by the carrier to keep a memorandum of each instance in which such extension is given, and the data upon which it is allowed. Such information shall be subject at any time to be called for by the Commission. This rule must be applied strictly and in good faith, and upon the carrier is placed the responsibility of strict conformity thereto. Only such illness as makes travel dangerous to the health of the traveler will justify the extension herein provided for. The extension may also be granted to one or more members of the family of the passenger who is ill when traveling together, and to persons who are subject to an established quarantine. Stop-over privileges for a limited time may be granted for the same causes and under the same conditions and restrictions as justify extension of time on limited tickets.

Stop-overs and extensions of time may be allowed on limited tickets in case of illness.

Extension may include members of family traveling together.

Extensions in cases of quarantine.

(Adopted October 12, 1908.) A carrier may also provide in its tariffs that whenever, because of washout, wreck, or other obstruction to its tracks, public calamity the act of God or of the public enemy, a passenger is delayed on its lines so that the limit of such passenger's ticket has expired or has elapsed to such an extent as to curtail his stop-over privileges, the conductor or other specified agent will give, by indorsement on ticket or otherwise, certificate of such detention, and that such certificate will operate to extend the limit of such ticket to the extent of detention so certified, and that such extension will be honored by succeeding conductors on its lines. It may also provide that like certificates of detention and extension given by other carriers will be honored on its

Extension in case of washouts, wrecks, etc.

lines; but no carrier may so extend any part of a ticket reading over lines other than its own, except when provision therefor is contained in a joint tariff properly concurred in.

Provision for extension must be in tariffs.

(Issued November 15, 1907.) No extension of time upon limited tickets or stop-over privilege will be recognized as valid unless provision therefor is made in the carrier's published tariffs. [See Rule 34 (g).]

Withdrawal of filed tariffs not permitted.

70. WITHDRAWAL OF FILED TARIFFS NOT PERMITTED.—Not infrequently the Commission is requested to return to carriers tariff publications which have been received and filed by the Commission in the ordinary course of business. Such requests are usually based on the desire to substitute some corrected or changed publication for the one that has been filed. Manifestly it would be improper for the Commission to permit such substitutions or to surrender any tariff publication duly and properly received and filed by it, unless such surrender is caused by rejection of such publication by the Commission because of illegality or irregularity in connection therewith. To surrender publications duly filed and permit the substitution of others would involve a species of falsification of the records which could not be permitted.

Ocean carriers—when not subject to the act.

71. OCEAN CARRIERS—EXPORT AND IMPORT TARIFFS.—Ocean carriers between ports of the United States and foreign countries *not adjacent* are not subject to the terms of the Act to regulate commerce; nor to the jurisdiction of the Commission.

Export and import tariffs.

(a) The inland carriers of traffic exported to or imported from a foreign country not adjacent must publish their rates and fares to the ports and from the ports, and such rates or fares must be the same for all, regardless of what ocean carrier may be designated by the shipper or passenger.

Through rates or fares may be shown.

(b) As a matter of convenience to the public said carriers may publish in their tariffs such through export or import rates or fares to or from foreign points as they may make in connection with ocean carriers. Such tariffs must, however, distinctly state the inland rate or fare as above provided; and need not be concurred in by the ocean carrier, because concurrence can be required from, and is effective against, only carriers subject to the Act.

Steamship charges may be shown.

(Adopted June 28, 1909.) It is permissible for a carrier to state its inland rates or fares, which must be open

to all alike, regardless of what ocean carrier may be designated by the shipper or passenger, and regardless of the nationality or employment of the person transported, and in the same connection to show the additional steamship charges which go to make up through rates or fares to or from foreign destinations.

If the inland portion of such fares is different from the carrier's domestic fares, and if such inland proportionals are offered only in connection with travel to or from a foreign country, it is entirely proper and necessary that the inland carrier shall require evidence of steamer passage having been paid for before granting to any person its inland proportional fare which its tariff offers in connection with such journey, and to note on separate tickets that may be issued for the inland and the ocean portions of such trip cross references to the other portions of such tickets, and to require satisfactory evidence to be presented to conductor in order to make valid such inland proportional ticket.

Evidence of steamship passage in connection with inland fares.

★ (c) Whichever plan of publishing these rates and fares is followed the tariffs must be filed and posted, and may be changed only upon statutory notice or under special permission for shorter time, except that, in consideration of unusual and special circumstances surrounding the movement of traffic exported to or imported from foreign countries not adjacent to the United States and which moves through ports of the United States or Canada on the Pacific Ocean as to said traffic and confined to tariffs which contain only rates applicable thereto, the Commission by its order of October 24, 1908, authorized carriers to make changes in said rates upon notice to the Commission and to the public in manner prescribed by law of three days as to changes which effect reductions in rates or charges and like notice of ten days as to changes which effect increases in rates or charges. This authority is intended to include passenger fares to or from ports of the United States or Canada on the Pacific Ocean in connection with passage tickets to or from foreign countries not adjacent to the United States, where shown in tariffs that are confined to such fares. Tariffs issued upon short notice under authority of this Rule must bear notation "Issued under authority of Rule 71, Interstate Commerce Commission Tariff Circular 18-A."

Must be filed and posted.

Permission for changes on less than statutory notice, via Pacific Ocean ports.

(d) Export and import traffic may be forwarded under through export and import billing, but such through billing must clearly

Through export and import billing.

separate the liability of the inland carrier or carriers and of the ocean carrier, and must show the tariff rate of the inland carrier or carriers.

★ 72. TARIFFS TO OR FROM POINTS IN ADJACENT FOREIGN COUNTRIES (adopted November 22, 1909).—Through rates and fares from points in the United States to points in foreign countries adjacent thereto and through rates and fares from points in adjacent foreign countries to points in the United States are a great convenience, and the Commission therefore desires to permit and encourage the publication and filing of such through rates and fares under lawful and proper conditions. Therefore, and until further order of the Commission:

Concurrences
required in tariffs
to or from Canada
or Mexico.

A joint tariff naming rates or fares from a point in the United States to a point in Mexico or in Canada; from a point in Mexico or in Canada to a point in the United States; from a point in Mexico through the United States to a point in Canada; from a point in Canada through the United States to a point in Mexico; from a point in Mexico through the United States to a point in Mexico; from a point in Canada through the United States to a point in Canada; from a point in the United States through Mexico or through Canada to a point in the United States, must be concurred in, in form prescribed in these regulations and without reservation by all lines that are parties to the through rates or fares and that participate in transportation thereunder; or, a statement of the divisions of the rates or fares accruing to the roads in the United States to or from the border must be incorporated in the tariff or be filed with the Commission together with and at the same time the tariff itself is filed.

Divisions must
be filed.

(Adopted March 7, 1910.) The purpose of the above rule, requiring the domestic carriers to publish their divisions of rates and fares to and from Canada or Mexico, is to give to this Commission definite information as to their lawful earnings, and is not intended as a means of exercising any jurisdiction over carriers in adjacent foreign countries.

Permission for
changes on less
than statutory
notice in rates or
fares from a point
in Canada through
the United States
to a point in Can-
ada.

(Adopted January 13, 1910.) Rates on freight traffic from a point in Canada through the United States to a point in Canada may be changed upon a notice of 10 days as to advances in rates and 3 days as to reductions in rates given to the Commission and the public in manner required by law, provided such freight traffic moves

in bond and that no transit or stop-over privilege is allowed thereon within the United States, and that tariff so states; and provided further, that such rates be published in tariffs which contain only rates on traffic that has neither origin nor destination in the United States.

Fares from a point in Canada through the United States to a point in Canada may be changed upon like notice, provided no stop-over privilege is allowed thereon within the United States and that tariff so states; and provided further, that such fares be published in tariffs which contain only fares that have neither origin nor destination in the United States.

Each tariff publication in which changes in rates are made upon short notice under the terms of this Rule shall bear on its title-page the notation: "Issued under authority of Rule 72, Interstate Commerce Commission Tariff Circular 18-A."

73. VALIDATION OF ROUND-TRIP PASSENGER TICKETS Validation of round-trip passenger tickets. (adopted May 12, 1908).—(a) The condition that a round-trip passenger-fare ticket shall be validated for the original purchaser by carrier's agent at a given point is one of the conditions which affects the value of the service rendered to the passenger, and is one of the conditions that must be observed the same as the rate under which the ticket is sold, and must therefore be stated in the tariff under which it is sold. The tariff may provide for validation at numerous points, and it may provide for validation at any point intermediate to the original destination named in the ticket.

The conditions stated upon the ticket should not conflict with the tariff provisions, but if in any case there should inadvertently be conflict between the tariff provisions and the conditions stated on the ticket the tariff rule must govern.

(Adopted November 12, 1908.) A carrier may provide in its tariff that in case of illness or death of passenger or member of his family who is traveling with him, specified officer of carrier may validate round-trip tickets held by such passengers at point short of that at which tickets would otherwise be validated. Validating tickets in cases of illness or death.

* (b) (Adopted December 8, 1908). A carrier may lawfully incorporate in its tariff a rule providing that when a passenger is compelled to pay the regular return fare because of his failure to have his round-trip ticket validated at the designated point, the carrier will refund the Failure to validate passenger ticket.

extra fare upon the filing with it of an affidavit by the holder of the round-trip ticket, certifying that the ticket has been used in accordance with all the conditions of the tariff and the contract on the ticket, except as to the matter of validation. (See Rule 34 (g).)

Reconsignment.

74. RECONSIGNMENT PRIVILEGES AND RULES (adopted May 5, 1908).—(a) Usually the combination of intermediate rates is higher than the through rate. Frequently a shipper desires to forward a shipment to a certain point and have the privilege of changing the destination or consignee while shipment is in transit or after it arrives at destination to which originally consigned, and to forward it under the through rate from point of origin to final destination. Many carriers grant such privilege and generally make a charge therefor.

The privilege is of value to the shipper, and in order to avoid discrimination it is necessary for carrier that grants such privilege to publish in its tariff that fact, together with the conditions under which it may be used and the charge that will be made therefor. Such rules should be stated in terms that are not open to misconstruction.

Change of destination is a reconsignment, unless otherwise provided in tariff.

(b) Some carriers do not count a change of consignee which does not involve a change of destination as a reconsignment, while others do consider it a reconsignment and charge for it as such. The Commission holds the view that, without specific qualification, the term "reconsignment" includes changes in destination, routing, or consignee. If carrier wishes to distinguish between such changes in its privileges or charges it must so specify in its tariff rules. Reconsignment rules and charges must be reasonable, and a charge that would be reasonable for a diversion or change of destination might be unreasonable when applied to a simple change in consignee which did not involve change in destination or more expensive delivery.

Publish, post, and file demurrage charges.

***75. DEMURRAGE ON INTERSTATE SHIPMENT** (adopted May 12, 1908).—The Act requires that carriers shall publish, post, and file "all terminal charges * * * which in any wise change, affect, or determine * * * the value of the service rendered to the passenger, shipper, or consignee," and all such charges become a part of the "rates, fares, and charges" which the carriers are required to demand, collect, and retain. Such terminal charges include demurrage charges.

(a) On March 16, 1908, the Commission decided that demurrage rules and charges applicable to interstate shipments are governed by the Act to regulate commerce, and therefore are within its jurisdiction and not within the jurisdiction of State authorities. Any other view would open a wide door for the use of such rules and charges to effect the discriminations which the Act prohibits.

Demurrage rules and charges as published and filed must be observed as strictly as transportation rules and charges. (The Commission has approved, but not prescribed, the Uniform Demurrage Code, as adopted by the National Association of Railway Commissioners.)

***76. SUBSTITUTING TONNAGE AT TRANSIT POINT** (adopted June 29, 1909).—A milling, storage, or cleaning-in-transit privilege can not be justified on any theory except that the identical commodity or its exact equivalent, or its product, is forwarded from the transit point under the application of the through rate from original point of shipment. It is, therefore, not permissible to forward from transit point on transit rate commodity that did not move into that transit point on transit rate, or to substitute a commodity originating in one territory for the same or like commodity moving into transit point from another territory, or to make any substitution that would impair the integrity of the tariff rate or rates. It is not practicable to require that the identity of each carload of grain, lumber, salt, etc., be preserved, but, it is not lawful to substitute at the transit point any commodity of a different kind from that which has moved into such transit point under a transit rate or rule. That is to say, oats or the products of oats may not be substituted for corn, corn or the products of corn for wheat, nor wheat or the products of wheat for barley, nor may shingles be substituted for lumber, nor lumber for shingles, nor may rock salt be substituted for fine salt, nor fine salt for rock salt; likewise oak lumber may not be substituted for maple lumber, nor pine lumber for either oak or maple, nor may hard wheat, soft wheat, or spring wheat be substituted either for the other. These illustrations are given not as covering the entire field of possible abuses, but as indicating the view which the Commission will take of such abuses as they arise.

To the end that abuses now existing at transit points may be eliminated, carriers will be expected to conform

their transit rules and their billing to the suggestions of this rule. In the event of the failure of any carrier so to do, reductions of legal rates caused by transit abuses will be regarded as voluntary concessions from legal rates. (See *In the matter of Substitution of Tonnage at Transit Points*, 18 I. C. C. Rep., 280.)

★77. PUBLISHING AND FILING TARIFFS UNDER AMENDED FOURTH SECTION OF THE ACT (adopted February 13, 1911).—If tariffs containing commodity rates applicable from points of production provide for their application from intermediate points not named, it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named. If such tariffs do not provide for application from intermediate points, they would conflict with the amended fourth section of the Act whenever the class rate or a combination from an intermediate point exceeds the commodity rate from a more distant point.

Commodity tariffs from points of production; need not apply from intermediate nonproducing points.

Tariffs should not contain volumes of unnecessary rates, and it is undesirable to require the posting of large numbers of tariffs at points from which no shipments are likely to move. Therefore, until further ordered, carriers may file tariffs containing commodity rates applicable from known points of production without making such rates applicable from all intermediate points. Each such tariff shall bear on its title-page the following notation:

Notation on commodity tariff applying only from points of production.

By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff (these rates) is not (are not) made applicable from (or to) all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect from (or to) more distant points will, under authority granted by the Interstate Commerce Commission, be established from (or to) any intermediate point hereunder upon one day's notice to the Commission and to the public.

Permission to establish commodity rates from intermediate points on short notice.

In observance of this Rule carriers may on one day's lawful notice to the Commission and to the public extend the application of the rates shown in the tariff by establishing such rates from intermediate points which do not exceed the rates from the more distant point on same line or route, provided no advance is thereby made in any existing rate.

Ordinarily rates to intermediate points of destination not named in the tariff can properly and should be provided for by a clause in the tariff authorizing the application of its rates to intermediate points of destination, but in instances where the intermediate application of rates is impracticable or where conflicting rates would result therefrom, commodity rates may in the first instance be established to such intermediate destinations not higher than to more distant points on same line or route on like notice as from points of origin, provided no advance is thereby made in any existing rate.

For the purpose of eliminating from tariffs higher charges for shorter hauls as same are referred to in the amended fourth section of the Act, and when same have been in effect thirty days or more, carriers may make such changes effective on one day's lawful notice to the Commission and to the public, provided such changes are in each instance reductions in rates, fares, or charges. (See Rule 56.)

A tariff or supplement containing rates or fares issued upon short notice under authority of this Rule must bear on its title-page or in connection with the item containing the rate or fare the following notation:

Issued under authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A. The rate (fare, or rates or fares) hereby reduced appears (or appear) in _____ tariff I. C. C. No. _____, item (or page) _____, and the rate (fare, or rates or fares) from (or to) _____ [name it], the more distant point, appears (or appear) in _____ tariff I. C. C. No. _____, item (or page) _____.

When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge higher rates or fares for shorter than for longer distances over the same line or route, the title-page of each tariff issued and filed under such authority must bear the following notation:

This tariff contains rates (fares) that are higher for shorter distances than for longer distances over the same route, such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Order F. S. No. — of [date] 19—. Notation on tariff.

When relief from combination provision of fourth section of the Act has been granted.

When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge rates or fares higher than the aggregate of the intermediate rates or fares subject to the Act, the title-page of each tariff issued and filed under such authority must bear the following notation:

Notation on tariff.

This tariff contains rates (or fares) that exceed the sums of the intermediate rates (or fares) subject to the Act. Such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Order F. S. No. — of [date] 19—.

This Rule no waiver of amended fourth section of Act.

Nothing in this Rule may be construed as waiving any of the provisions of the amended fourth section of the Act to regulate commerce.

A true copy:

Edw. A. Moseley

Secretary.

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FREIGHT TARIFFS AND CLASSIFICATIONS.

[Abbreviations: n, note; p, preface. *Italic letters indicate paragraphs.*]

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